United States Court of Appeals

for the Second Circuit

APPENDIX

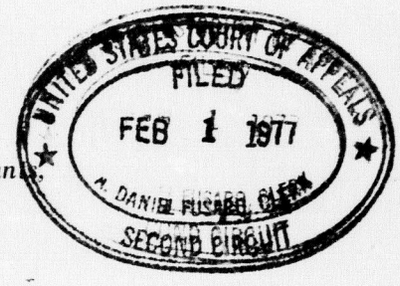
76-7434

ORIGINAL

United States Court of Appeals

For the Second Circuit

Docket No. 76-7434



MICHAEL MEEROPOL and ROBERT MEEROPOL,
Plaintiffs-Appellants,

—against—

LOUIS NIZER, DOUBLEDAY & CO., INC. and FAWCETT PUBLICATIONS, INC.,
Defendants-Appellees.

BPLS

On Appeal from the United States District Court
for the Southern District of New York

APPENDIX

VOLUME IV
Supplement to Appendix

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PAGINATION AS IN ORIGINAL COPY

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IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF JANUARY 31, 1975

JERO PUBLISHING COMPANY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED JUNE 30, 1954

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.

A-689

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY.
NEW YORK 23, N.Y.

CIRCLE 7-1451-1452

LEWIS J. GRAHAM, C.P.A.
LOUIS HOROWITZ, C.P.A.

October 6, 1954

Joro Publishing Company, Inc.
c/o Gloria Agrin
220 Broadway
New York, N. Y.

Gentlemen:

We have audited the corporation's books and records for the period from inception of business at April 6, 1953 to June 30, 1954 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of June 30, 1954

Exhibit "B" - Statement of Income, Profit and Loss for the fiscal year ended June 30, 1954, and the period from April 6, 1953 to June 30, 1953

The assets and liabilities were not independently verified by direct communication with outside sources, but were taken from the books and records of the company. The merchandise inventory was accepted as submitted without any verification thereof.

We shall be pleased to furnish you with any further information regarding the accounts which you may require, or to confer with you thereon, at your convenience.

Respectfully submitted,

Lewis J. Graham & Co.

Certified Public Accountants

JERO PUBLISHING COMPANY, INC. — EXHIBIT "A"

BALANCE SHEET
AS OF JUNE 30, 1954

A S S E T S

Cash in Chase National Bank		$ 8,008.32
Account Receivable - Rosenberg Book Committee		264.35
Royalties Receivable - Authors, Publishers International Agency		2,303.35
Merchandise Inventory (As Submitted)		394.50
Total Current Assets		10,970.52
Office Equipment	$ 51.45	
Less: Reserve for Depreciation	5.15	46.30
Advance on New Edition - Cameron and Kahn		1,500.00
Organization Expenses		50.00
Total Assets		12,566.82

L I A B I L I T I E S

Taxes Payable:		
Federal Income Tax	3,534.72	
N. Y. State Franchise Tax	684.77	
Sundry Taxes	99.64	
Total Liabilities		4,319.13

C A P I T A L

Capital Stock - Authorized - 200 shares - No Par Value		
Issued and Outstanding - 100 share	—	
Surplus:		
Net Loss - For the period from inception of business at April 6, 1953 to June 30, 1953 (Exhibit "B")	8.19	
Net Profit - For the fiscal year ended June 30, 1954 (Exhibit "B")	8,255.88	
Surplus - Balance as of June 30, 1954	$8,247.69	
Total Capital		$ 8,247.69

EXHIBIT "F"

JERO PUBLISHING COMPANY, INC.

STATEMENT OF INCOME, PROFIT AND LOSS FOR THE PERIODS

	Fiscal Year Ended June 30, 1954		From the Inception of Business at April 6,1953 to June 30, 1953	
Income from Sales:				
Rosenberg Book Committee	$10,781.00			
Office Sales	316.93		$1,073.06	
Total Income from Sales		$11,097.93		$1,073.06
Cost of Goods Sold:				
Contractors Charges	3,866.24		500.00	
Editing Fee	-		254.50	
Type Setting	-		76.00	
Art Work	-		85.00	
Total Available for Sale	3,866.24		915.50	
Less: Merchandise Inventory June 30, 1954 (As Submitted)	394.50		-	
Cost of Goods Sold		3,471.74		915.50
Gross Profit on Sales		7,626.19		157.55
Expenses:				
Management Expense	750.00		100.00	
Stationery, Photostats and General Expense	181.86		36.75	
Rent	125.00		-	
Cables	50.30		-	
Gross Receipts Tax	25.11		-	
Copyright Fee	-		4.00	
Depreciation - Office File	5.15		-	
Total Expenses		1,137.42		140.75
Net Profit (Before Other Income)		6,488.77		16.81
Add: Income from Foreign Royalties		5,986.60		-
Net Profit (Before Taxes)		12,475.37		16.81
Less: Provision for Taxes:				
Federal Income Tax	3,534.72		-	
N.Y. State Franchise Tax	684.77		25.00	
Total Taxes		4,219.49		25.00
Net Profit or Loss		$ 8,255.88		$ 8.19

A-692

JERO PUBLISHING COMPANY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED JUNE 30, 1955

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.

A-693

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451-1452

LEWIS J. GRAHAM, C.P.A.
LOUIS HOROWITZ, C.P.A.

August 5, 1955

Jove Publishing Company, Inc.
c/o Gloria Agrin
220 Broadway
New York, New York

Gentlemen:

We have audited the corporation's books and records for the fiscal year ended June 30, 1955 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance sheet as of June 30, 1955

Exhibit "B" - Statement of Income, Profit and Loss for the fiscal year ended June 30, 1955

The assets and liabilities were not independently verified by direct communication with outside sources, but were taken from the books and records of the company. The merchandise inventory was accepted as submitted without any verification thereof.

We shall be pleased to furnish you with any further information regarding the accounts which you may require, or to confer with you thereon, at your convenience.

Respectfully submitted,

Lewis J. Graham & Co

Certified Public Accountants

EXHIBIT "F"

[illegible] PUBLISHERS COMPANY, INC.

BALANCE SHEET
AS OF [illegible] 30, 1955

A S S E T S

Cash in Chase Manhattan Bank		$5,081.10
Royalties Receivable - Authors, Publishers International Agency		852.25
Office File	$ 51.45	
Less: Reserve for Depreciation	15.44	36.01
Advance on New Edition - Cannon and Zahn		1,500.00
Organization Expense		50.00
Total Assets		$8,319.36

L I A B I L I T I E S

Federal Income Tax Payable	$1,518.32	
New York State Franchise Tax Payable	250.52	
Accrued Accounting	50.00	
Total Liabilities		1,818.84

C A P I T A L

Capital Stock - Authorized 200 shares - No Par Value
Issued and Outstanding - 100 shares

Deficit:

Balance as of July 1, 1954	$ 8,247.69	
Add: Net Profit for the fiscal year ended June 30, 1955 (Exhibit "B")	3,612.73	
	11,860.42	
Less: Dividends Paid	5,100.00	
Balance as of June 30, 1955		6,560.42
TOTAL CAPITAL		6,560.42

EXHIBIT [illegible]

[illegible] PUBLISHING COMPANY, INC.

STATEMENT OF INCOME, PROFIT AND LOSS
FOR THE [illegible] ENDED JUNE 30, 1955

[illegible] from Foreign Royalties		$6,035.66
[illegible] from Sales		1.97
Total Income		6,037.63
[illegible]		
Recall of Merchandise Inventory at June 30, 1954	394.50	
Stockists	38.27	
Painting and Services - Prior Period	125.00	
- Current Year	50.00	
Occupancy Tax	1.00	
Depreciation - Office Fills	10.29	
Total Expenses		619.06
Net Profit (before Taxes)		5,421.57
Provision for Federal Income Tax	1,513.32	
Provision for N.Y. State Franchise Tax	360.52	1,873.84
NET PROFIT		$3,547.73

JERO PUBLISHING COMPANY, INC.

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED JUNE 30, 1956

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.

A-697

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451-1452

LEWIS J. GRAHAM, C.P.A.
LOUIS HOROWITZ, C.P.A.

September 5, 1956

Joro Publishing Company, Inc.
c/o Gloria Agrin
220 Broadway
New York, New York

Gentlemen:

We have audited the corporation's books and records for the fiscal year ended June 30, 1956 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Balance Sheet as of June 30, 1956

Exhibit "B" - Statement of Income, Profit and Loss for the fiscal year ended June 30, 1956

The assets and liabilities were not independently verified by direct communication with outside sources, but were taken from the books and records of the company.

We shall be pleased to furnish you with any further information regarding the accounts which you may require, or to confer with you thereon, at your convenience.

Respectfully submitted,

Lewis J. Graham & Co.

Certified Public Accountants

EXHIBIT [illegible]

[illegible] PUBLICATIONS COMPANY, INC.

BALANCE SHEET
AS [illegible], 1956

A S S E T S

Cash in Chase Manhattan Bank		$2,003.39
Royalties Receivable - Authors, Publishers International Agency		652.15
Office Files	$51.15	
Less: Reserve for Depreciation	25.72	25.72
Advance on New Edition - Cameron and Kahn		1,500.00
TOTAL ASSETS		$4,226.76

L I A B I L I T I E S

Federal Income Tax Payable	$ 527.04
New York State Franchise Tax Payable	113.54
Accrued Expenses	56.00
Total Liabilities	696.58

C A P I T A L

Capital Stock - Authorized 200 shares - No Par Value
Issued and Outstanding - 200 shares —

Surplus:

Balance as of July 1, 1956	$6,150.42	
Add: Net Profit for the fiscal year ended June 30, 1956 (Exhibit "B")	1,222.76	
	[illegible]	
Less: Dividends Paid	[illegible]	
Balance as of June 30, 1956		3,530.18
TOTAL CAPITAL		$4,226.76

[illegible]

[illegible]

[illegible]

Income from Foreign Royalties		$1,900.22
Income from Sales		.26
Total Income		1,900.48
Expenses:		
Insurance	$ 1.55	
Accounting Services	50.00	
Occupancy Tax	2.00	
Depreciation - Office Fits	10.29	
Corporate Dissolution Fee	5.00	
N.Y. State Franchise Tax - (Final Return)	25.00	
Organization Expenses Written Off	50.00	
Total Expenses		143.84
Net Profit (before Taxes)		1,865.34
Less: Provision for Federal Income and N.Y. State Franchise Taxes		635.13
NET PROFIT		$1,229.76

THE ROSENBERG CHILDREN'S TRUST FUND

FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED JUNE 30, 1957

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.

A-701

LEWIS J. GRAHAM & CO.
CERTIFIED PUBLIC ACCOUNTANTS
1841 BROADWAY
NEW YORK 23, N.Y.
CIRCLE 7-1451-1452

LEWIS J. GRAHAM, C.P.A.
LOUIS HOROWITZ, C.P.A.

August 22, 1957

Board of Trustees
The Rosenberg Children's Trust Fund
320 Broadway, Room 607
New York, New York

Gentlemen:

We have audited the books and records of the Fund for the fiscal year ended June 30, 1957 and present herewith a financial report thereon, consisting of the following:

Exhibit "A" - Statement of Financial Condition as of June 30, 1957

Exhibit "B" - Statement of Receipts and Disbursements for the fiscal year ended June 30, 1957

In our opinion the accompanying financial report presents fairly the financial position of the Fund as of June 30, 1957 and the results of its operations for the fiscal year then ended.

Respectfully submitted,

Lewis J. Graham Co

Certified Public Accountants

EXHIBIT "A"

A-702

THE ROSENBERG CHILDREN'S TRUST FUND

STATEMENT OF FINANCIAL CONDITION
AS OF JUNE 30, 1957

Cash in Savings Banks:		
Bowery Savings Bank	$ 3,541.36	
East River Savings Bank	3,556.49	
Chase Manhattan Bank	656.50	
Emigrant Industrial Savings Bank	3,571.10	$11,325.45
Cash in Chase Manhattan Bank		1,840.35
Bonds:		
Star of Israel Bond - 3½% - Matures May 1, 1966	1,000.00	
U.S. Treasury Bond of 1960 - 2 1/8% - $15,000.00, Cost	14,757.99	
of 1958 - 2 3/8% - $ 5,000.00, Cost	4,999.47	
of 1962 - 2 1/4% - $10,000.00, Cost	9,782.74	30,540.20
Total Net Worth of Fund:		
Balance as of July 1, 1956	45,903.59	
Less: Excess of Disbursements over Receipts for the fiscal year ended June 30, 1957 (Exhibit "F")	2,197.59	
BALANCE AS OF JUNE 30, 1957		$43,706.00

EXHIBIT "P"

A-703

THE ROSENBERG CHILDREN'S TRUST FUND

STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 1957

Receipts:			
Liquidating Dividend, Jero Publishing Co., Inc.			* $1,307.31
Interest Income:			
U.S. Treasury Bonds		$ 662.52	
Savings Banks		380.93	
Star of Israel Bond		35.00	1,078.45
Total Receipts			2,386.20
Disbursements:			
Board and Maintenance of Children		3,800.00	
Federal and N.Y. State Income Taxes:			
Children's Individual Federal Income Taxes - 1956	$387.00		
Children's Individual N.Y. State Income Taxes - 1956	30.90		
Children's Federal Estimated Income Tax - 1957	274.00		
Fiduciary Federal Income Tax - Fiscal Year Ended June 30, 1956	66.95	758.85	
Accounting Fees		25.00	
Total Disbursements			4,583.85
EXCESS OF DISBURSEMENTS OVER RECEIPTS			$2,197.59

This amount represents the full distribution of the remaining assets of Jero Publishing Co., Inc. which was dissolved August 31, 1956. Attention is directed to the balance sheet of Jero Publishing Co., Inc. as of June 30, 1956 which shows a net worth of $3,690.13. We have been informed by Gloria Agrin that several items included therein would not be collected and have according made the following adjustments:

Net Worth - Per Balance Sheet as of June 30, 1956			$3,690.13
Less: Adjustments:			
Advance on new edition - Cameron and Kahn		$1,500.00	
Royalties Receivable - Authors and Publishers International Agency		852.15	
Sundry Adjustments		30.22	
Total Adjustments			2,382.37
LIQUIDATING DIVIDEND			$1,307.31

A-704

the Americans, "that after a time the Dutch Government would repay . . . the money, so that America would ultimately lose nothing" and everybody would be happy. But even if the envoys made the loan in this way, the bribe of two hundred and fifty thousand dollars must be paid in addition. Thereupon the envoys handed him the letter which Marshall had prepared the night before, which stated that they had no power to make a loan, but could send one of their number to America for consultation and instruction.

Bellamy was "disappointed" and at once modified his language. Why did the envoys treat the money proposition as coming from the Directory? It was only his own personal suggestion. Then "what has led to our present conversation?" asked the envoys. Pinckney recalled Hottenguer's first visit and the latter confirmed Pinckney's account.

Upon the envoys stating the differences between France and America, to settle which was the purpose of their mission, and gently resenting the demands made upon them, Bellamy became excited. The envoys' conduct was not to be borne, he exclaimed; let them beware of the resentment of France. They "could not help it," answered the envoys — the Directory must look after France; the envoys must look after the United States.

Bellamy was "in despair." What a provincial view these Americans took of a diplomatic negotiation! They must broaden their horizon. They must acquire worldly wisdom. They must remember "the respect which the Directory required"; they must

realize that that august body "would exact as much as was paid to the ancient kings." The envoys would not be received without it; that was flat, Bellamy informed them; and "he seemed to shudder at the consequences."

Marshall and Pinckney simply would not see the point. But Gerry was a man of the world who could understand European diplomacy. Marshall declared that the envoys were there to adjust international differences. If, however, France "would make war," then, said they: "We regret the unavoidable necessity of defending ourselves." [1]

For a little while Talleyrand's leeches dropped away from the perplexed Americans. Marshall reported to Washington French conditions as he had observed them up to that time. He confirms to the former President the American report that French agriculture had been improved "in the course of the present war": —

"In that part of the country through which I have passed the evidences of plenty abound. The whole earth appears to be in cultivation & the harvests of the present year appear to be as productive as the fields which yield them are extensive.

"I am informed that every part of the country exhibits the same aspect. If this be the fact, there will probably remain, notwithstanding the demands of the armies, a surplus of provisions."

Marshall briefly but clearly analyzes the economic and commercial outcome of the war: —

"Manufactures have declined in the same ratio

[1] *Am. St. Pprs., For. Rel.*, ii, 159–60.

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that the cultivation of the soil has increas'd. War has been made upon the great manufacturing towns & they are in a considerable degree destroy'd. With manufactures France does not supply herself fully from her internal resources.

"Those of Britain flow in upon her notwithstanding the most severe prohibitory laws. The port of Rotterdam is purposely left open by the English & their goods are imported by the Dutch under Prussian and other neutral colors. They are smuggled in great quantities into France.

"Peace, then, will find this [French] nation entirely competent to the full supply of her colonies with provisions and needing manufactures to be imported for her own consumption. . . . France can take from America tobacco & raw cotton she can supply us with wines, brandies & silks."

Marshall then makes a searching commentary on French politics.

"The existing political state of France is connected with certain internal & powerfully operating causes by which it has been & will continue to be greatly influenc'd. Not the least of these is the tenure by which property is held.

"In the course of the revolution it is believed that more than half the land of France has become national.[1] Of this a very considerable proportion has been sold at a low rate.

"It is true that much of it belonged to those who have fallen under the Guillotine or who have been termed emigrants. Among the emigrants are many

[1] By "national" lands, Marshall refers to the confiscated estates.

whose attachment to their country has never been shaken; & what is remarkable, among them are many who were never out of France. The law upon this subject is worthy of attention.

"Any two persons, no matter what their reputation, may, to some authority, I believe the municipality of the district, write & subscribe against any person whatever a charge, that such person is an emigrant, on receipt of which the person so charg'd is without further investigation inscribed on the list of emigrants.

"If the person so inscribed be afterwards apprehended while his name remains on the list, the trial, as I understand, is, not of the fact of emigration, but of the identity of the persons, & if this identity be established, he is instantly fusiller'd[shot]. The law is either rightly executed or permitted to be relax'd, as the occasion or the temper of the times may direct.

"During intervals of humanity some disposition has been manifested to permit the return of those who have never offended, who have been banished by a terror which the government itself has reprobated, & to permit in case of arrestation, an investigation of the fact of emigration as well as of the identity of the person accus'd.

"There is too a great deal of property which has been sold as national but which in truth was never so, & which may be reclaimed by the original proprietors.

"In this state the acquirers of national property are of course extremely suspicious. They form a vast

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proportion of the population of France. They are not only important in consequence of their numbers, but in consequence of their vigor, their activity & that unity of interest which produces a unity of effort among them.

"The armies too have been promised a milliard. This promise rests upon the national property for its performance. The effect of these circumstances cannot escape your observation. Classes of citizens are to be disfranchised against the next election."

Marshall and Pinckney, at this early stage of Talleyrand's financial-diplomatic intrigue, were so disgusted that they were on the point of "returning to America immediately." The continuance of French depredations on the high seas caused Marshall to write to Washington as follows: —

"The captures of our vessels seem to be only limited by the ability to capture. That ability is increasing, as the government has let out to hardy adventurers the national frigates. Among those who plunder us, who are most active in this infamous business, & most loud in vociferating criminations equally absurd and untrue, are some unprincipled apostates who were born in America.

"These sea rovers by a variety of means seem to have acquired great influence in the government.

"This influence will be exerted to prevent an accommodation between the United States & France and to prevent any regulations which may intercept the passage of the spoils they have made on our commerce, to their pockets. The government I believe is too well disposed to promote their views. At pres-

ent it seems to me to be radically hostile to our country.

"I cou'd wish to form a contrary opinion, but to do so I must shut my eyes on every object which presents itself to them & fabricate in my own mind non-existing things, to be substituted for realities, & to form the basis of my creed.

"Might I be permitted to hazard an opinion it wou'd be the Atlantic only can save us, & that no consideration will be sufficiently powerful to check the extremities to which the temper of this government will carry it, but an apprehension that we may be thrown into the arms of Britain."

Although the Treaty of Campo Formio had been signed on the 17th of October, Paris had not yet heard of it. This treaty marked Bonaparte as the most constructive diplomat, as well as the foremost captain, of the age, for such he had already proved himself to be. A week later, when Marshall wrote the above letter to Washington (October 21, 1797), he reported that "The negotiations with the Emperor of Austria are said not to have been absolutely broken off. Yesterday it was said that peace with him was certain. Several couriers have arrived lately from Buonaparte & the national debt rose yesterday from seven to ten livres in the hundred. Whether this is founded on a real expectation of peace with Austria or is the mere work of stock jobbers is not for me to decide."

But three days afterward (October 27) the news reached Paris; and Marshall adds this postscript: "The definitive peace is made with the Emperor.

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You will have seen the conditions. Venice has experienced the fate of Poland. England is threatened with an invasion." [1]

The thunders of cannon announcing Bonaparte's success were still rolling through Paris when Talleyrand's plotters again descended upon the American envoys. Bellamy came and, Pinckney and Gerry being at the opera, saw Marshall alone. The triumph of Bonaparte was his theme. The victorious general was now ready to invade England, announced Bellamy; but "concerning America not a syllable was said." [2]

Already Talleyrand, sensitive as any hawk to coming changes in the political weather, had begun to insinuate himself into the confidence of the future conqueror of Europe, whose diplomatic right arm he so soon was to become. The next morning the thrifty Hottenguer again visits the envoys. Bonaparte's success in the negotiations of Campo Formio, which sealed the victories of the French arms, has alarmed Hottenguer, he declares, for the success of the American mission.

Why, he asks, have the Americans made no proposition to the Directory? That haughty body "were becoming impatient and would take a decided course in regard to America" if the envoys "could not soften them," exclaims Talleyrand's solicitous messenger. Surely the envoys can see that Bonaparte's treaty with Austria has changed everything.

[1] Marshall to Washington, Paris, Oct. 24 (postscript, 27th), 1797; *Amer. Hist. Rev.*, Jan., 1897, ii, 301–03; also, Washington MSS., Lib. Cong.; or Sparks MSS., Mass. Hist. Soc.

[2] Marshall's Journal, Oct. 26, 28.

and that therefore the envoys themselves must change accordingly.

Exhibiting great emotion, Hottenguer asserts that the Directory have determined "that all nations should aid them [the French], or be considered and treated as enemies." Think, he cries, of the "power and violence of France." Think of the present danger the envoys are in. Think of the wisdom of "softening the Directory." But he hints that "the Directory might be made more friendly." Gain time! Gain time! Give the bribe, and gain time! the wily agent advises the Americans. Otherwise, France may declare war against America.

That would be most unfortunate, answer the envoys, but assert that the present American "situation was more ruinous than a declared war could be"; for now American "commerce was floundering unprotected." In case of war "America would protect herself."

"You do not speak to the point," Hottenguer passionately cries out; "it is money; it is expected that you will offer money."

"We have given an answer to that demand," the envoys reply.

"No," exclaims Hottenguer, "you have not! What is your answer?"

"It is no," shouts Pinckney; "no; not a sixpence!"

The persistent Hottenguer does not desist. He tells the envoys that they do not know the kind of men they are dealing with. The Directory, he insists, disregard the justice of American claims; care nothing even for the French colonies; "consider

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Marshall again shines out sunnily in a letter to his wife at Winchester, over the Blue Ridge. He tells his "dearest Polly" that although a week has passed he has "scarcely had time to look into any business yet, there are so many persons calling every hour to see me. . . . The hot and disagreeable ride" to Richmond had been too much for him, but "if I could only learn that you were entirely restored I should be happy. Your Mama & friends are in good health & your Mama is as cheerful as usual except when some particular conversation discomposes her.

"Your sweet little Mary is one of the most fascinating little creatures I ever beheld. She has improved very much since I saw her & I cannot help agreeing that she is a substitute for her lovely sister. She talks in a way not easily to be understood tho she comprehends very well everything that is said to her & is the most coquettish little prude & the most prudish little coquet I ever saw. I wish she was with you as I think she would entertain you more than all the rest of your children put together.

"Poor little John[1] is cutting teeth & of course is sick. He appeared to know me as soon as he saw me. He would not come to me, but he kept his eyes fixed on me as on a person he had some imperfect recollection of. I expect he has been taught to look at the picture & had some confused idea of a likeness. He is small & weakly but by no means an ugly child. If as I hope we have the happiness to raise him I

[1] Marshall's fourth child, born January 15, 1798, during Marshall's absence in France.

trust he will do as well as the rest. Poor little fellow, the present hot weather is hard on him cutting teeth, but great care is taken of him & I hope he will do well.

"I hear nothing from you my dearest Polly but I will cherish the hope that you are getting better & will indulge myself with expecting the happiness of seeing you in october quite yourself: Remember my love to give me this pleasure you have only to take the cold bath, to use a great deal of exercise, to sleep tranquilly & to stay in cheerful company. I am sure you will do everything which can contribute to give you back to yourself & me. This hot weather must be very distressing to you — it is to everybody — but it will soon be colder. Let me know in time everything relative to your coming down. Farewell my dearest Polly. I am your ever affectionate

"J. MARSHALL."[1]

On taking up his private business, Marshall found himself hard-pressed for money. Payments for the Fairfax estate were overdue and he had no other resources with which to meet them but the money due him upon his French mission. "The disarrangement," he writes to the Secretary of

[1] Marshall to his wife, Richmond, Aug. 18, 1798; MS. Mrs. Marshall remained in Winchester, where her husband had hurried to see her after leaving Philadelphia. Her nervous malady had grown much worse during Marshall's absence. Mrs. Carrington had been "more than usual occupied with my poor sister Marshall . . . who fell into a deep melancholy. Her husband, who might by his usual tenderness (had he been here) have dissipated this frightful gloom, was long detained in France. . . . The malady increased." (Mrs. Carrington to [illegible], [Cairus], 1800, Carrington MSS.)

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ing your letter of the 8th accompanying Mr Lowell's very masterly review of the treatise on expatriation. I have read it with great pleasure, & thank you very sincerely for this mark of your recollection.

"Could I have ever entertained doubts on the subject, this review would certainly have removed them. Mingled with much pungent raillery is a solidity of argument and an array of authority which in my judgement is entirely conclusive. But in truth it is a question upon which I never entertained a *scintilla* of doubt; and have never yet heard an argument which ought to excite a doubt in any sound and reflecting mind. It will be to every thinking American a most afflicting circumstance, should our government on a principle so completely rejected by the world proceed to the execution of unfortunate, of honorable, and of innocent men."[1]

Astonishing and repellent as these words now appear, they expressed the views of every Federalist lawyer in America. The doctrine of perpetual allegiance was indeed then held and practiced by every government except our own;[2] nor was it rejected by the United States until the Administration became Republican. Marshall, announcing the opinion of the Supreme Court in 1804, had held that an alien could take lands in New Jersey because he had lived in that State when, in 1776, the Legislature passed a law making all residents citizens.[3] Thus he had declared that an American citizen did not cease to be

[1] Marshall to Pickering, April 11, 1811, Pickering MSS. Mass. Hist. Soc.

[2] See Channing: *Jeff. System*, 170-71.

[3] M'Ilvaine *vs.* Coxe's Lessee, 4 Cranch, 209.

such because he had become the subject of a foreign power. Four years later, in another opinion involving expatriation, he had stated the law to be that a British subject, born in England before 1775, could not take, by devise, lands in Maryland, the statute of that State forbidding aliens from thus acquiring property there.[1] In both these cases, however, Marshall refrained from expressly declaring in terms against the American doctrine.

Even as late as 1821 the Chief Justice undoubtedly retained his opinion that the right of expatriation did not exist,[2] although he did not say so in express terms. But in Marshall's letter on Lowell's pamphlet he flatly avows his belief in the principle of perpetual allegiance, any direct expression on which he so carefully avoided when deciding cases involving it.

Thus the record shows that John Marshall was as bitterly opposed to the War of 1812 as was Pickering or Otis or Lowell. So entirely had he become one of "the aristocracy of talents of reputation, & of property," as Plumer, in 1804, had so accurately styled the class of which he himself was then a member,[3] that Marshall looked upon all but one subject then before the people with the eyes of confirmed reaction. That subject was Nationalism. To that supreme cause he was devoted with all the passion of his deep and powerful nature; and in the service of that cause he was soon to do much more than he had already performed.

[1] Dawson's Lessee v. Godfrey, 4 Cranch, 321.

[2] Case of the Santissima Trinidad, 1 Brockenbrough, 478-87; and see 7 Wheaton, 283.

[3] Plumer to Lowndes, March 4, 1804. Plumer MSS. Lib. Cong.

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State, "produc'd by my absence and the dispersion of my family oblige me to make either sales which I do not wish or to delay payments of money which I ought not to delay, unless I can receive from the treasury. This state of things obliges me to apply to you and to ask whether you can furnish me either with an order from the Secretary of the Treasury on Colo. Carrington or with your request to him to advance money to me. The one or the other will be sufficient." [1]

Pickering writes Marshall that Carrington can safely advance him the needed cash. "I will lose no time to place the balance in your hands," [2] says Pickering, upon the receipt of Marshall's statement of his account with the Government.

The total amount paid Marshall for his eleven months' absence upon the French mission was $19,963.97,[3] which, allowing five thousand dollars for his expenses — a generous estimate — was considerably more than three times as much as Marshall's annual income from his law practice. It was an immense sum, considering the compensation of public officials at that period — not much less than the annual salaries of the President and his entire Cabinet; more than the total amount annu-

[1] Marshall to Pickering, August 11, 1798; Pickering MSS., Mass. Hist. Soc., xxiii, 35.

[2] Pickering to Marshall, Sept. 4, 1798; *ib.*

[3] Archives, State Department. Thirty-five hundred dollars was placed at Marshall's disposal when he sailed for France, five hundred dollars in specie and the remainder by letter of credit on governments and European bankers. (Marshall to Secretary of State, July 10, 1797; Pickering MSS. Also Archives, State Department.) He drew two thousand dollars more when he arrived at Philadelphia on his return (June 23; *ib.*), and $14,463.97 on Oct. 13 (*ib.*).

ally paid to the justices of the Supreme Court. Thus, for the time being, the Fairfax estate was saved.

It was still necessary, however, if he, his brother, and brother-in-law, were to discharge the remaining payments, that Marshall should give himself to the business of making money — to work much harder than ever he had done before and than his natural inclinations prompted. Therefore, no more of unremunerative public life for him — no more waste of time in the Legislature. There never could, of course, come another such "God-send," to use Marshall's phrase as reported by Jefferson,[1] as the French mission; and few public offices, National or State, yielded so much as he could make in the practice of his profession. Thus financial necessity and his own desire settled Marshall in the resolve, which he believed nothing ever could shake, to give the remainder of his days to his personal and private business. But Fate had her own plans for John Marshall and again overruled what he believed to be his fixed and unalterable purpose.

[1] The "Anas"; *Works*: Ford, i. 355.

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Convention which the cool wisdom of George Cabot saved from proclaiming secession.[1]

Of the two pretenses for war against Great Britain, the Federalists alleged that one had been removed even before we declared war, and that only the false and shallow excuse of British impressment of American seamen remained. Madison and Monroe recognized this as the one great remaining issue, and an Administration pamphlet was published asserting the reason and justice of the American position. This position was that men of every country have a natural right to remove to another land and there become citizens or subjects, entitled to the protection of the government of the nation of their adoption. The British principle, on the contrary, was that British subjects could never thus expatriate themselves, and that, if they did so, the British Government could seize them wherever found, and by force compel them to serve the Empire in any manner the Government chose to direct.

Monroe's brother-in-law, George Hay, still the United States Attorney for the District of Virginia, was selected to write the exposition of the American

Webster's speech on the Conscription Bill delivered in the House of Representatives, December 9, 1814, Van Tyne, 56-68; see also Curtis: *Life of Daniel Webster*, I, 138.)

Webster had foretold what he meant to do: "Of course we shall oppose such usurpation." (Webster to his brother, Oct. 30, 1814, Van Tyne, 54.) Again: "The conscription has not come up — if it does it will cause a storm such as was never witnessed here" [in Washington]. (Same to same, Nov. 29, 1814, *ib.* 55.)

[1] See Morison: *Otis*, II, 78-109. Pickering feared that Cabot's moderation would prevent the Hartford Convention from taking extreme measures against the Government. (See Pickering to Lowell, Nov. 7, 1814, *N.E. Federalism*: Adams, 406.)

view. It seems probable that his manuscript was carefully revised by Madison and Monroe, and perhaps by Jefferson.[1] Certainly Hay stated with singular precision the views of the great Republican triumvirate. The pamphlet was entitled "A Treatise on Expatriation." He began: "I hold in utter reprobation the idea that a man is bound by an obligation, permanent and unalterable, to the government of a country which he has abandoned and his allegiance to which he has solemnly adjured."[2]

Immediately John Lowell answered.[3] Nothing keener and more spirited ever came from the pen of that gifted man. "The presidential pamphleteer," as Lowell called Hay, ignored the law. The maxim, once a subject always a subject, was as true of America as of Britain. Had not Ellsworth, when Chief Justice, so decided in the famous case of Isaac Williams?[4] Yet Hay sneered at the opinion of that distinguished jurist.[5]

Pickering joyfully dispatched Lowell's brochure to Marshall, who lost not a moment in writing of his admiration. "I had yesterday the pleasure of receiv-

[1] Some sentences are paraphrases of expressions by Jefferson on the same subject. For example: "I hold the right of expatriation to be inherent in every man by the laws of nature, and incapable of being rightfully taken from him even by the united will of every other person in the nation." (Jefferson to Gallatin, June 26, 1806, *Works*: Ford, x. 273.) Again "Our particular and separate grievance is only the impressment of our citizens. We must sacrifice the last dollar and drop of blood to rid us of that badge of slavery." (Jefferson to Crawford, Feb. 11, 1815, *ib.* xi. 450-51.) This letter was written at Monticello the very day that the news of peace reached Washington.

[2] Hay: *A Treatise on Expatriation*, 21.

[3] Lowell: *Review of "A Treatise on Expatriation"*: by "A Massachusetts Lawyer."

[4] See vol. III, chapter [illegible] of this work.

[5] See *Review of "A Treatise on Expatriation"*, 6.

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Marshall and, indeed, of all the other members of the court. Story's preëminence in most branches of legal learning was admitted by his associates, all of whom gladly handed over to the youthful Justice more than his share of work. Story was flattered by the recognition. "My brethren were so kind as to place confidence in my researches,"[1] he tells his friend Judge Samuel Fay.

During the entire twenty-four years that Marshall and Story were together on the Supreme Bench the Chief Justice sought and accepted the younger man's judgment and frankly acknowledged his authority in every variety of legal questions, excepting only those of international law or the interpretation of the Constitution. "I wish to consult you on a case which to me who am not versed in admiralty proceedings has some difficulty," Marshall writes to Story in 1819.[2] In another letter Marshall asks Story's help on a "question of great consequence."[3] Again and again he requests the assistance of his learned junior associate.[4] Sometimes he addresses Story as though that erudite Justice were his superior.[5] Small wonder that John Marshall should declare that Story's "loss would be irreparable" to the Supreme Bench, if he should be appointed to the place made vacant by the death of Chief Justice Parker of Massachusetts.[6]

[1] Story to Fay, April 24, 1814, Story, I, 261.

[2] Marshall to Story, May 27, 1819, *Proceedings, Mass. Hist. Soc.* 2d series, XIV, 325. This was the case of the Little Charles.

[3] Same to same, July 13, 1819, *ib.* 326.

[4] Same to same, June 15, 1821, *ib.* 327; Sept. 18, 1821, *ib.* 331; Dec. 9, 1823, *ib.* 331; June 26, 1824, *ib.* 344.

[5] Same to same, July 2, 1820, *ib.* 331-33.

[6] Same to same, Oct. 15, 1830, *ib.* 342.

Only in his expositions of the Constitution did Marshall take supreme command. If he did anything preëminent, other than the infusing of life into that instrument and thus creating a steadying force in the rampant activities of the young American people, it was his contributions to international law, which were of the highest order.[1]

The first two decades of his labors as Chief Justice were prolific in problems involving international relations. The capture of neutral ships by the European belligerents; the complications incident to the struggle of Spanish provinces in South America for independence; the tangle of conflicting claims growing out of the African slave trade — the unsettled questions arising from all these sources made that period of Marshall's services unique in the number, importance, and novelty of cases requiring new and authoritative announcements of the law of nations. An outline of three or four of his opinions in such cases will show the quality of his work in that field of legal science and also illustrate his broad conception of some of the fundamentals of American statesmanship in foreign affairs.

His opinion in the case of the Schooner Exchange lays down principles which embrace much more than was involved in the question immediately before the court[2] — a practice habitual with Marshall and dis-

[1] John Bassett Moore, in his *Digest of International Law*, cites Marshall frequently and often uses passages from his opinions. Henry Wheaton, in his *Elements of International Law*, sometimes quotes Marshall's language as part of the text.

[2] Professor John Bassett Moore, in a letter to the author, says that he considers Marshall's opinion in this case his greatest in the realm of international law.

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bargaining, its ownership and its management for the play of our democratic instincts—the most fundamental force in American life. Regardless of any consequences, I am ready to go down the line to cooperate with anyone to foster this kind of American life, and just as ready to go down the line against anyone who would destroy this kind of American life.[18]

Wendell Willkie followed Jackson. But when he had used up his thirteen minutes, and the chairman attempted to stop him, Willkie paid no attention to the chairman's signals and spoke right on. When he finally sat down it was announced that Willkie had exceeded the agreed time limit by seven minutes. Jackson was courteously offered a like addition to his speaking time. "Of course, I could not make use of the time tendered to me without previous warning, and waived it. The questioning was distinctly hostile and so was the audience," Jackson wrote afterward.[19]

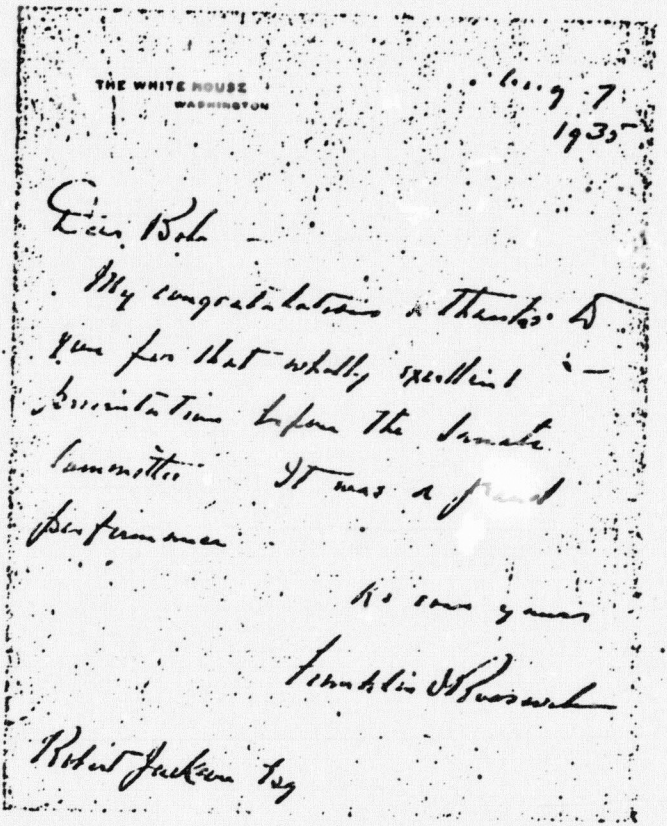
The very next day Town Hall officials called on Jackson to apologize and said they hoped he would not issue any statement.

"What happened?" Jackson asked.

They told him that Willkie had asked for two hundred tickets, which had been given to him. When the meeting was postponed, two hundred more were also given to Willkie. Officials discovered later that the dates had been changed on the first two hundred. Result: Willkie had *four hundred* tickets for the January 6 debate. Jackson had been issued *six* tickets for a box which was occupied by members of his family. Jackson commented on this raw deal by Willkie thus:

I found it very difficult to regard Mr. Willkie as a man of honor on that basis. It was not surprising that he should ask for as many tickets as he could get, but even in the matter of division of time the published record shows that he used 50 per cent more time than he had agreed, and used it even after I had concluded my own speech. When I heard the galleries at the Philadelphia Republican Convention, I suspected that he was repeating his performance there. I never trusted him and repeatedly told the President in later times that Mr. Willkie would double-cross him. He did on his trip abroad.[20]

This was not just a sour-grapes attitude on Jackson's part. At one of the sessions of the American Historical Association at the Stevens Hotel in Chicago, December 29, 1950, historian Harry Elmer Barnes confirmed Jackson's suspicion about the Willkie nomination.



THE WHITE HOUSE
WASHINGTON

Aug 7
1935

Dear Bob —

My congratulations & thanks to you for that wholly excellent presentation before the Senate Committee. It was a fine performance.

As ever yours

Franklin D Roosevelt

Robert Jackson Esq

A LETTER FROM PRESIDENT ROOSEVELT

FDR congratulates Jackson on his presentation of the Administration's inheritance and gift tax bill

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are capable of responding to milder treatment. Without it, much more rigid discipline would have to be maintained at places like Leavenworth, Atlanta and Lewisburg.

Alcatraz is a cold, bleak, lonely place. Jackson was warned that for disciplinary reasons every effort had been made to keep out the news of Murphy's announcement about the prospective abandonment of the prison. Accompanied by Thurman Arnold, Jackson was conducted through the prison. In one of the sections where ailing prisoners are hospitalized, a prisoner with a record of several killings said to Jackson, "I understand Attorney General Murphy is going to get all of us guys out of here."

"You better not count on that," Jackson replied.

He later reported the conversation to Warden Johnston. In spite of the most rigid censorship of every piece of mail and every printed word, and careful surveillance of every visitor to the island, news of Murphy's announcement had leaked into the prison; and it made the prisoners uneasy. It amazed Jackson that those "stone walls do not a prison make" so far as such news is concerned.

The Jacksons left California and drove to Sun Valley, Idaho, where Mrs. Jackson stayed at the inn while her husband and daughter went on a two weeks' pack trip into the Saw Tooth Mountains. It was a delightful vacation—the calm before the storm of war broke in Europe. As the Jacksons leisurely drove back east during August 1939, the Solicitor General watched the newspapers more closely every day. He had little hope that, if war broke out in Europe, the issue could be settled without involving or at least greatly affecting the United States.

When the family reached Washington the imminence of war in Europe overshadowed everything else. Jackson left for a visit with his mother in upstate New York. He had hardly arrived in Jamestown when General Watson telephoned him to return immediately to Washington and to come to the White House for dinner the very next day.

Jackson was at the White House the next evening.

Mrs. Roosevelt was away so the President's party had dinner in the upstairs living quarters. Besides President Roosevelt the group included General Watson, Stephen Early, Ross McIntyre, Harry Hopkins and Jackson. Roosevelt told them of his fears of war in Europe. He was in constant touch by telephone with Kennedy and Bullitt, the American Ambassadors to England and France.

Of course, everyone knew that every telephone wire in Europe was tapped. All the telephone communications between the President and our Ambassadors were doubtless relayed to every chancellery in

Europe within a few minutes after they took place. There was no doubt that President Roosevelt, aware of this, said some things "in confidence" over the telephone in the hope and expectation that such things would be immediately repeated. He was a master at that kind of strategy.

After dinner the group went to the President's study and played poker for a little while. This relaxation was interrupted later in the evening when the President was handed a dispatch from the State Department. Roosevelt turned to the assembled group and announced that England had declared war on Germany. Hitler had already invaded Poland on September 1, 1939. "It was the beginning of the holocaust that would involve us eventually," Jackson wrote privately. "Every man in the room felt that we were deeply concerned as a nation, but no one dreamed of the power that Germany would display."[22]

Under the law it was necessary to proclaim the neutrality of the United States in the struggle that had begun in Europe. The State Department had already drafted a proclamation in anticipation of the outbreak, and the President delivered it to Jackson for his approval. The Solicitor General reviewed it, somewhat superficially of necessity, because time was extremely limited.

It appeared that the State Department draft included Canada as one of the nations with whom trade was to be restricted. Jackson had long lived close to Canada and knew how strongly Canadians felt about the Statute of Westminster and the establishment of Canadian independence in matters like this. Jackson telephoned the President, suggested that the matter was of some importance, although it was not within the province of the Justice Department to make suggestions about it. Thus, the morning after the dinner, the President asked Jackson to come to the White House immediately, for an early conference in his room.

The Solicitor General had prepared a letter regarding Canada which he handed to Roosevelt on his arrival. The Chief Executive read it with interest. He discussed its contents with Jackson and then returned the original to him. The letter[23] read:

September 5, 1939

The President,
The White House,
Washington, D. C.
My dear Mr. President:

It is my understanding that you desired this office to consider the proposed Proclamation of neutrality and the Proclamations under the Neutrality Law and subsidiary documents.

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Since the file which you have submitted shows that these were approved by the Attorney General on the 31st day of August, 1939, we have made no effort to review the documents as then approved.

A question which was not settled at the time the Attorney General gave his approval to the form and legality of the Proclamation and orders relates to whether Canada will be included among belligerent powers. The formula, which Mr. Berle tells me the State Department will submit to you, will include Canada and will immediately stop the trade in the specified articles. There is some doubt as to whether Canada has made a legal declaration of war, and there is considerable doubt as to whether the British declaration deprives Canada of its independent discretion.

And there is a question apart from our neutrality law whether you would want to take a position that might imply a lack of power in Canada to determine its own course.

These are questions which we do not attempt to advise upon, as they are matters of policy for your decision, but call them to your attention that they may not be overlooked.

Respectfully submitted,
ROBERT H. JACKSON.
Acting Attorney General

A few minutes later Secretary Cordell Hull, Under Secretary Welles and Assistant Secretary Berle, all of the State Department, were announced and ushered into the President's room. Jackson watched interestedly to see how Roosevelt would handle the problem.

The formal proclamation was handed to the President. He glanced over it and then remarked quietly, "I see you have included Canada. Do you think Canada should be included? Has she declared war yet?"

The President wisely did not indicate that Jackson had raised the point in the first place, for it was probable that some of the State Department officials would have regarded the matter as none of the Solicitor General's business. Considerable discussion followed. Finally the President, with his usual genius for short cuts, asked: "Why don't we call Mackenzie King about the matter?"

The call was immediately placed and the Canadian premier was soon on the telephone. King said he did not want Canada included in the neutrality proclamation. Canada had not yet declared war on Germany and would not be in a state of war until the Canadian parliament made its own declaration of war. Particularly in view of the Statute of Westminster, Canada did not recognize any power in the British Parliament to put Canada into a state of war. The effect of in-

cluding Canada in the neutrality proclamation, he said, would be to suspend trading between the two countries, and, though the Canadian Parliament would soon meet and war would be declared, it was desirable from the standpoint of both Canada and the United States that commerce be uninterrupted as long as possible.

The President thereupon in his own handwriting struck out of the original proclamation the name of Canada in the list of countries affected, and added the names of Australia and New Zealand when a late dispatch indicated both had come into the war. President Roosevelt observed bluntly that any vital matter of difference between Canada and England our interests would lie on Canada's side. Even if it led to disagreement with England, we would still of necessity have to support Canada, keep on good terms with her and recognize her self-governing character.

The proclamation of neutrality was issued to the world that afternoon. Thus the step was taken which Congress and the public naïvely hoped would keep America out of any war that might occur. The Rome-Berlin-Tokyo Axis, however, had other plans.

President Roosevelt asked Jackson to come to the White House later the same day to discuss a proclamation of limited emergency, something which would bring into place some emergency powers under existing statutes. The Chief Executive did not want to issue a proclamation which went too far, however, in acknowledging a national emergency. He had been giving the problem a great deal of thought. He proposed a declaration of emergency limited to the state of preparedness of the nation. He asked his Solicitor General to prepare the statement.

"Mr. President, I'm not quite sure that I get exactly what is in your mind," Jackson replied. "If you've been thinking of this matter, why don't you give me an outline in about the form you would like to see it, and I'll put it into shape for a proclamation."

The President nodded and, with his long cigarette holder set at a jaunty angle proclaiming his own self-confidence, picked up his pencil and wrote out on a pad his own idea of the proclamation. Jackson accepted the notes, thanked him and set out for his office.

Back at the Justice Department, Jackson called a conference of the young men who were working on neutrality problems. The group could not find one word that could be usefully added to the draft which the President had written in extemporaneous fashion. Nor did they discover a word that could be substituted to advantage. They used the body of the proclamation exactly as he had written it, merely adding the preamble and the final clauses. Then it was issued. Perhaps, after all, the

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It was plain to Jackson that anybody who became Attorney General after Murphy was going to have severe headaches with domestic labor and defense problems, and headaches in the President's Cabinet in connection with foreign affairs.

In addition, friction had developed between Murphy and J. Edgar Hoover, chief of the Federal Bureau of Investigation. Murphy told Jackson that Hoover had gone beyond his authority and had even investigated Jackson himself and others in important Washington positions. Jackson knew little about the FBI at the time; he shared Murphy's concern and opinion that it had gone beyond its authority. J. Edgar Hoover later told Jackson that the only investigation the FBI made of him was an investigation of his record in the last war at the direction of Attorney General Murphy. Those investigations which the Attorney General was most severely criticizing were in fact made under his own orders. But Murphy informed Jackson that he expected to get rid of Hoover and bring a man from his own home state to Washington to replace the respected FBI chief. This was another prospective headache.

During the fall of 1939 Jackson was irritated by the delay in his appointment as Attorney General. To his Democratic associate, Harold Ickes, in October and November Jackson appeared to be "very unhappy."[25] "Bob Jackson is one of the finest and most upright men, as well as one of the ablest, that I have ever known," recorded Ickes in his diary.[26] Jackson's disappointment was natural. He had a commitment from the President. He was a far abler lawyer than Murphy. Murphy was in the Attorney General's office only as a stopgap; Jackson was really qualified for the office. It is not hard to understand his resentment against Murphy and his discouraged attitude in the fall of 1939.

On December 23, 1939, Jackson invited his friend, Gordon Dean, to lunch and confided the news that Jackson would be appointed Attorney General when Murphy was nominated for the vacancy which Butler's death had created on the Supreme Court. Jackson invited Dean to come back as his special executive assistant to handle press, radio and movie publicity. He also told Dean he was going to ask Carusi, who had been secretary to five Attorneys General, to return to the post Murphy had fired him from six months earlier. Jackson declared that he also intended to get rid of the group of girls hovering around Murphy's office. He would ask the two stenographers that had so faithfully served Cummings to return. Jackson saw big hurdles ahead, and he told Dean too that he wanted to get 1940's presidential election out of his head because he thought that Roosevelt would run anyway.

"Jackson will go into the new job with enthusiasm, and yet aware of the headaches that are ahead; among other things, he realizes that he is to be a war-eve A.G. He resents Murphy's slighting of him, but his attitude is not that of one who is piqued in the juvenile sense—simply aloof."[27] So it seemed to Gordon Dean.

About this time, in anticipation of Jackson's appointment as Attorney General, Dean asked Jackson to get together some biographical material covering his Jamestown days, political history and his legal work. Jackson complied.

"What religion shall I tell them, if they ask?" inquired Dean.

"Tell them it is none of their business," answered the Solicitor General, with a smile.[28]

Jackson just did not feel that as Attorney General he could—or should—compete with the type of publicity Murphy had been releasing. The problem bothered him deeply. Jackson later said:

> My views of the conduct of the office would not permit me to compete in publicizing investigations, and it was very plain that if I took over the office my administration would be an anticlimax from a publicity point of view to that of Attorney General Murphy. I wrote out those objections to my appointment in a letter to the President and took it over to him. He looked it over and talked it over with me and laughed at my worries. All in all he made me feel a little contemptible and cowardly about it.[29]

This was the letter which Jackson handed to the President at their White House conference on January 3, 1940:

December 30, 1939

The President,
The White House,
Washington, D. C.

My dear Mr. President:

Your next Attorney General cannot fail to disappoint public expectations and to suffer criticism of his motives and competency. In some respects expectations have been aroused which it is my belief that no one can fulfill, but in other respects there is a fundamental difference of approach to the work of the Department between Mr. Murphy and me, and some other person might satisfy public opinion better than I am willing to do. Some of those differences concern matters on which I feel too deeply to defer either to an established policy or to public

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sentiment, and if there is any substantial difference of viewpoint between you and me, I should not undertake the office.

I have reason to believe that some prosecutions have been announced or undertaken prematurely, either without sufficient evidence or contrary to the advice of those in the Department who are in immediate charge of the cases. An incoming Attorney General may be obliged to choose between being defeated in some widely publicized cases and abandoning them. If he makes the best settlement that is possible, he will be accused of lacking zeal or of "fixing" the case. Each of these cases must, of course, be dealt with on its separate facts. But I could not undertake the task if I were expected to present insufficient cases against citizens to make good improvident announcements, or to leave myself open to misunderstanding as to the reasons for settlement or abandonment of them.

I could not accept Mr. Murphy's statement of labor policy. In answer to Mr. Green he stated in substance that the Department in the enforcement of *criminal statutes* would follow the construction placed on the antitrust laws by the Supreme Court, which held them applicable to the activities of labor organizations and their members. This went considerably beyond the statement of Mr. Arnold who announced that he would use the antitrust laws against labor organizations, but only to the extent that their activities were condemned by the *dissenting opinion of Mr. Justice Brandeis* in the *Bedford Stone* case. I am not altogether sure of Mr. Arnold's ground, but Mr. Murphy went beyond the Brandeis opinion and accepted those decisions of the Supreme Court which for twenty years I have said were wrong and which have been pronounced wrong by scholars in whom you and I have had great confidence. Labor has certainly in many fields abused its privileges. We would have to work out a policy for dealing with existing cases. But I would only want to undertake that if I can be free from all commitment to present policy—whatever it is.

Attorney General Murphy is quoted as saying in his December 28 press conference in substance that he is to begin a grand jury investigation of organizations fostering "anti-Semitism and other isms," and that the Department will try to prosecute them through the use of the income tax, passport, and foreign agent laws. Of course violators of any of these laws should be prosecuted vigorously, but entirely without regard to whether they are or are not anti-Semitic. Anti-Semitism is a reprehensible attitude of mind, but it is not a crime. To start a drive to uncover income tax violations, selecting those of anti-Semitic sentiments as the ones now to be scrutinized, invites retaliation at another time by a similar drive against Jews or Catholics or Republicans or Democrats. As a lawyer, I know that the Government will be greatly handicapped in court if its prosecutions for income tax or statutory

offenses are suspected of being really efforts to publish opinions and attitudes which we dislike. I could not continue this policy.

I was further startled to read an announcement of policy of the Department to recommend deportations in these cases "even though it means a boat load or several boat loads of offenders." Such a policy, even if legally permissible, would create a refugee problem among outcasts from our land that would have unpleasant resemblance to that created by Hitler.

Unquestionably these times, more than ordinary times, call for vigilance in the enforcement of many laws. All that I know of you makes me confident that you would want it done in a lawyerly way, without premature publicity, with prosecutions based on criminal acts, not merely reprehensible attitudes or opinions, and without either yielding to or cultivating hysteria among our people.

I do not conceal the disappointment I would feel if my attitude makes it impossible for me to serve you. I should be more disappointed if silence at this time about attitudes certain to influence my work led you to make an appointment that would not meet your expectations in the very trying days that are ahead for whoever becomes your Attorney General.

Respectfully,
ROBERT H. JACKSON[30]

On January 4, 1940, President Roosevelt sent to the Senate the names of Frank Murphy to fill the Butler vacancy on the Supreme Court, of Robert H. Jackson as Attorney General, and of Francis Biddle as Solicitor General.

Before the press conference two newspaper reporters came to Jackson's office and said they understood Murphy intended to remain on in the Justice Department for a considerable time after his appointment to the Supreme Court. Jackson pooh-poohed this as nonsense, saying that no man would consider remaining in the Department after appointment to the Court which passed upon the contentions of that Department.

When Murphy held his press conference, however, Jackson's view proved wrong. Murphy complimented Jackson highly to the reporters. According to the advance notes[31] of Attorney General Frank Murphy's press conference of January 4, 1940, he gave reporters these answers:

Will you have to remain in the Department after your confirmation to clean up these matters?

I believe so. It will take a little time. I don't want to make it difficult

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long been customary when a Justice retires. It was not an effusive letter, but spoke of Roberts' service with cordiality. Stone forwarded it to Jackson at Nürnberg, who promptly signed and returned it, only to receive the following from Stone:[73]

THE WAUMBEK JEFFERSON NEW HAMPSHIRE

August 18, 1945

Dear Jackson:

I was glad to receive yesterday your letter of the 8th enclosing the signed duplicate of the letter to Roberts. At the same time I sent the letter to you I sent a duplicate to Black asking him to sign and forward it to the others. Now I have a letter in which he suggests that Roberts would not care to have a letter from him but saying that he would sign if the following clauses were eliminated from the sentence which says Roberts' resignation brings us a "profound source of regret *that our association with you in the daily work of the Court must now come to an end.*" He wishes to eliminate the underscored words. He also wishes to cut out the sentence "You have made fidelity to principle your guide to decision." With some hesitation I wrote him asking him to redraft the letter accordingly, sign and circulate it. It seemed to me wise to make this concession in order to preserve what has been an honored tradition of the Court. I thought that the letter I drafted was not over-generous but I realized that anything I might be willing to sign would be likely to encounter objections elsewhere. If the others do sign Black's revision, I hope you will sign also or authorize me to sign for you.

Your account of your doings and travels I found intensely interesting and I hope I shall have an opportunity to talk with you while you are here.

I have been fearful that the proposition that those who are responsible for an aggressive war may be branded as war criminals by the victor would encounter practical as well as some theoretical difficulties in the application. But I am hopeful that under your tactful guidance we will come through with justice done and no commitments which will embarrass us in other circumstances. I can readily understand why Russia might hesitate and why you may find them slipping out from under before the score is counted.

I very much hope that the rumors I get that the President may appoint an *experienced* circuit judge to our Court are true. I should like to tell him how great is the need but I am not inclined to intrude on his deliberations unless invited.

Our best to you and Mrs. Jackson when you see her.

Sincerely,

/s/ HARLAN F. STONE

September 8, 1945

My dear Mr. Chief Justice:

I am surprised that any issue could arise over the proposed letter to Roberts. It seemed a formal and not too cordial letter originally. To strike from it all that it contained of tribute seems to me to leave it reading like a left-handed condemnation.

I, too, would like to see the custom perpetuated of a unanimous expression of good will on the retirement of a Justice. But if we are obliged to sacrifice either unanimity or good will, I should let unanimity go.

But my greatest concern is not justice to Roberts. Ultimately, a man who has left recorded works will come to be judged by them and not by a letter of associates.

More important than that the letter be worthy of Roberts is that it be worthy of the better selves of those who write it. And if I may without offense say so, I think that is particularly true of you whose name will head the list and whose association with Roberts has been longest. You are the two survivors of a past epoch of the Court. You often differed with him and time has vindicated you in most of those differences. Certainly you are in a position to be not only just but generous and I know it is your temperament to be such. I hope you will not allow yourself to be compromised in this respect.

For myself, I think the deletions leave the letter so colorless that it would be better to omit the letter entirely. If that is the best that Roberts deserves, silence would be charitable. I happen to think he deserves better of us—at least of me.

I am willing to sign the letter as originally drawn or any reasonably cordial and just statement. But I should not want to join one that deliberately omits the only sentence that credits him with good motives —the quality I think he possessed above all others.

I am sorry that you have to be troubled with issues of this kind and hope that the approach of the term will bring a more tolerant attitude toward those who are retired, if not toward those who remain.

With all good wishes,

Sincerely yours,

/s/ JACKSON

On September 18, with the new term about to begin, the harried Chief Justice made the following tabulation:

The returns on the Roberts letters are as follows:

Black will not sign mine and withdraws his.

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made, confirmed by the Senate, and announced formally September 26, 1789.[23] Because of the delays in communications, Washington had not personally checked the nomination with Marshall. He was somewhat chagrined to receive a rejection: "I thank you, sir, very sincerely for the honor which I feel is done me by an appointment flowing from your choice, and I beg leave to declare that it is with real regret I decline accepting an office which has to me been render'd highly valuable by the hand which bestow'd it." Marshall then explained that he could not practice as a private lawyer before the Virginia superior courts and as United States Attorney before the federal courts, because they met at the same time but in different cities and "attendance on the one becomes incompatible with the duties of an attorney in the other." Some thirty-five years later, writing about that offer, Marshall gave the same reason, and then added: "Before the inconvenience was removed, the office was conferred on another gentleman."[24]

Washington, however, did not forget his young friend in Richmond. As the years went by, Marshall's fame as a lawyer and his loyalty to the Federalist cause at a time when many Virginians were rallying to the anti-Federalist banner of Thomas Jefferson were well reported in the seat of national government, which had moved to Philadelphia. In 1795 Washington asked him to become Attorney General of the United States. The position was not considered as important a post as the other cabinet offices. The secretaries of War, Navy, State, and Treasury each led a department, of varying sizes, and each had his own constituency. The Attorney General, in contrast, was considered then as the President's lawyer and had no department. By this time Washington was well aware of Marshall's financial considerations and advised him that not only would there be a salary of $1,500 a year but also the position carried with it "the prospect of a lucrative practice in this city." Uncertain of Marshall's reaction, Washington asked that, if Marshall refused it, "it might be as well to say nothing of this offer." Marshall did turn down the offer—"the business I have undertaken to complete in Richmond forbids me to change my situation tho for one infinitely more eligible." He also assured Washington that he would not speak of it publicly—"I respect too highly the offices of the present government of the United States to permit it to be suspected that I have declined one of them."[25]

Washington continued to think well of Marshall, relying on his advice in the search for an Attorney General. After Marshall turned down the position, Washington wanted to offer it to Patrick Henry if Henry no longer opposed the Constitution and if

"his opinion of the government was friendly." Washington asked Edward Carrington to make the offer to Henry after first discussing it with Marshall, of whose "honor, prudence and judgment" Washington said he had "a high opinion." Carrington did not believe the offer should go to Henry but bowed to Marshall's opinion, and the offer was tendered. Henry, now old and sick, turned it down. The position finally went to Charles Lee. In other appointments also Washington relied on Marshall's and Carrington's advice, an indication of how Marshall's reputation was gradually spreading among the leaders of the Federalist party.[25]

The next year Washington again turned to Marshall. The American minister to France, James Monroe, had been recalled, and the situation between the two countries was rapidly deteriorating. Washington explained to Marshall that it was "indispensably necessary . . . to send [a new minister] who will explain faithfully the views of this government and ascertain those of France." To Washington, "nothing would be more pleasing" than Marshall's taking over the post. But knowing Marshall's position, Washington sent him two letters. The first offered Marshall the post. If Marshall turned it down, he was to pass the second letter on to Charles Cotesworth Pinckney of South Carolina, who was Washington's second choice for the post. Marshall refused the ministerial position because of "the present crisis of my affairs." When Pinckney received the second letter, offering him the post, he accepted. Marshall then wrote to Washington expressing his gratification "as a citizen of the United States that a gentleman of General Pinckney's character will represent our government at the court of France."[26]

Washington accepted Marshall's refusal with a resigned shrug. "It is difficult to fill some offices with characters which would fit them in respects," he conceded to Marshall. As a case in point, Washington then spoke of the position of Surveyor General. One man had turned it down. Others had been recommended but more for their general characters than for their abilities as surveyors. There were several persons in Virginia who were considered, and Washington favored one of them because he knew the Kentucky region where much of the work would be done. "But how he is in other respects," Washington said, "and what may be the course of his politicks, I know *nothing;* and but *little* of the other three." The emphasis in Washington's letter to Marshall showed that the President was giving added weight to party regularity. He then asked Marshall to examine the records of the candidates and to supply the results "confidentially" to him.[27] Marshall, obviously, by this time was a leading Federalist in Virginia.

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On one other occasion George Washington would ask John Marshall to accept public office, and on that occasion Washington would not accept a negative answer.

Although Marshall was adamant about not accepting federal service, he easily was persuaded to seek reelection to the state legislature. He had no trouble being elected when the city of Richmond became entitled to its own delegate; the city itself was Federalist, and he was well liked. "I yielded to the general wish partly because a man changes his inclination after retiring from public life, partly because I found the hostility to the government so strong in the legislature as to require from its friends all the support they could give it, and partly because the capitol was then completed [in Richmond], and the courts and the legislature sat in the same building, so that I could without much inconvenience leave the bar to take part in any debate in which I felt a particular interest."[28]

But the state legislature was not an exciting enough arena for John Marshall. "We have as yet done nothing finally," he lamented in a letter to James Monroe, who still was his friend although Monroe had opposed Virginia's ratification of the Constitution. "Not a bill of public importance in which an individual was not particularly interested has passed." The most consequential bill voted, Marshall reported, was one giving exclusive rights to build and navigate a boat.[29]

He was on a number of committees having to do with the law, the most important being one for the revision of the laws of Virginia. The eight-man committee was to examine English statutes to determine which should be incorporated into Virginia's laws, to study the Virginia laws to determine if they could be simplified—"ought from their multiplicity to be reduced into single acts," which should be dropped, to index the state laws, and "to instruct the clerk of the House of Delegates as far as it may be in their power, how to obtain for the use of his office, copies of those laws, the rolls whereof are lost."[30] He was on the committee which drew up the bill ceding land in northern Virginia for a national capital city and undoubtedly voted for the bill (no record vote was reported). That same day, November 28, 1789, Marshall's father-in-law, Jacquelin Ambler, was elected treasurer of the state.[31] "After the session of 1791," Marshall said, "I again withdrew from the assembly, determined to bid a final adieu to political life."[32] He was then thirty-six years old.

Although not in public office, Marshall could not escape the obligations of his ability and his prominence. He was frequently called upon to serve in semi-public roles. Along with other prominent lawyers in Richmond, he was appointed to

committees to examine the mental capacities of persons charged with crimes. So Marshall and two others reported to Governor Edmund Randolph of James Goss that "tho the unhappy object is ignorant and stupid to a great degree, yet we are perfectly convinced he does not come under the terms of Idiotism or Insanity, but is a competent Judge of Right from Wrong." And of Catherine Crull, that she appeared to be "almost in a state of entire ideotcy. Her mind seems so much disordered that we think her totally incapable of distinguishing right from wrong, or even of knowing what is said to her."[23]

By 1795 John Marshall was acting as attorney general for the state in the absence of the regular attorney general. Some of the advisory opinions he offered in that capacity are interesting for the glimpses they give into the formation of his judicial mind. In one case a tax-collecting agent had acquired a tract of land in lieu of back taxes. The agent then sold the land for a substantial profit, "and it is inquired," Marshall wrote, "whether the surplus is a gain to the Commonwealth, or ought to be credited to the sheriff." The law was not explicit, and there were points substantiating either interpretation. Marshall then was faced with a situation he frequently would confront as Chief Justice of a nation with a developing law: he had to render a decision that was convincing as law but for which he could find no definitive statute and no guiding precedents. He began by pointing out that the "object of the Commonwealth is not to speculate, but to secure the collection of debts due to itself." The agent's acquisition of the land was a medium of collection, and he then had the right to sell the land either for money, land certificates, or whatever else was negotiable in Virginia then. Marshall said this indicated that the agent was to be directed to sell the land in a manner "most advantageous for the Commonwealth" and "the produce of the sale was not to be credited to the sheriff." Marshall's own father had been a sheriff, and Marshall understood that these men made their living by receiving a percentage of the taxes they and their agents collected. It could be a precarious financial position, particularly, as Marshall pointed out, "if the Sheriff should be credited with the profits of the sale, he ought to be debited with the loss." Marshall concluded that the agent should credit the profit of the sale to the Commonwealth. If the sheriff challenged that ruling and won his case in court, "the Commonwealth will be assured on losing the profit of this sale, that she is secure against loss on a future occasion when the property may sell for less than the sum given by the agent." In other words, if the sheriff insisted on the profit rather than merely the normal percentage, he must understand that in the

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second half of the 1700s the blacks well understood the nature of the treatment they were receiving, and they were responding in the only way apparently available to them—open revolt.

Since the slavery era a picture has developed of a benevolent society in which kind white masters took care of a black population which was content in its labor and with its meager rewards. That society never existed. Rather it was created after the Civil War in Southern fiction and folklore in an attempt to justify an evil which could never be justified. Jordan, for example, reports this account from the June 22, 1781, diary entry of a Pennsylvania soldier. The soldier was having dinner at a Virginia plantation at which Negro boys served:

> I am surprised this does not hurt the feelings of this fair Sex to see these young boys of about Fourteen and Fifteen years Old to Attend them. Their whole nakedness Expos'd and I can assure you It would Surprize a person to see these d—d black boys how well they are hung.[40]

But the "whole nakedness" of the young blacks did not embarrass the white women because they did not see them. They did not see them as human beings entitled to respect and decency. The blacks were allowed no more consideration than the animals that pulled the plows. There may not have been a more decent man in Virginia during this period than George Washington. His kindliness, his courtesy, his natural graciousness are legendary. Yet the slaves he owned at Mount Vernon were treated in the usual manner, without regard for their humanity. A Polish nobleman visited Mount Vernon in 1798. This is his description of slave life there:

> We entered one of the huts of the Blacks, for one can not call them by the names of houses. They are more miserable than the most miserable of the cottages of our peasants. The husband and wife sleep on a mean pallet, the children on the ground; a very bad fireplace, some utensils for cooking, but in the middle of this poverty some cups and a teapot. A boy of fifteen was lying on the ground, sick, and in terrible convulsions. The Gl. had sent to Alexandria to fetch a doctor. A very small garden planted with vegetables was close by, with five or six hens, each one leading ten to fifteen chickens. It is the only comfort that is permitted them; for they may not keep either ducks, geese, or pigs. They sell the poultry in Alexandria and procure for themselves a few amenities. They allot them each one pack [peck], one gallon of maize per week; this makes one quart a day, and half as

much for the children, with twenty herrings each per month. At harvest time those who work in the fields have salt meat; in addition, a jacket and a pair of homespun breeches per year. Not counting women and children the Gl. has three hundred Negroes of whom a large number belong to Mrs. Washington. Mr. Anderson told me that there are only a hundred who work in the fields. They work all week, not having a single day for themselves except for holidays. One sees by that that the condition of our peasants is infinitely happier. The mulattoes are ordinarily chosen for servants. According to the laws of Virginia the child follows the condition of the mother; the son or daughter of a mulatto woman and a white is a slave and the issue through the daughter, although white, are still slaves. Gl. Washington treats his slaves far more humanely than do his fellow citizens of Virginia. Most of these gentlemen give to the Blacks only bread, water and blows.

The visitor found that the blacks appeared gay "either from habit or from natural humor." In this, however, the visitor was not so perceptive. Within a few years, after George Washington had died, John Marshall, then Chief Justice of the United States, and Bushrod Washington, an Associate Justice of the Supreme Court and the nephew of George Washington, had to gallop from Washington to Mount Vernon to rescue the general's widow from a threatened slave uprising.

A few days after making the above entries in his diary the Polish nobleman had a talk with a local doctor named Stuart, who told him: "No one knows better than the Virginians the cruelty, inconvenience and the little advantage of having Blacks. Their support costs a great deal; their work is worth little if they are not whipped; the Surveyor costs a great deal and steals into the bargain. We would all agree to free these people; but how to do it with such a great number? They have tried to rent them a piece of land; except for a small number they want neither to work nor to pay their rent. Moreover this unfortunate black color has made such a sharp distinction between the two races. It will always make them a separate caste, which in spite of all the enlightenment of philosophy, will always be regarded as an inferior class which will never mix in the society of Whites."

The Polish nobleman, Julian Ursyn Niemcewicz, recognized the doctor's allegation for the sophistry it was. Slavery existed in the South because it was to the South's economic advantage. "The real cause, or so it appears to me," wrote Niemcewicz, "for the necessity and existence of Negroes in the United States is the excessive extent of the individual properties, and the small

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number of Whites that there are in view of the size of the country. The owners, not being able either to cultivate their lands themselves or to find white cultivators to lease them, find it necessary to keep this large number of Negroes. It is the greed of the Liverpool merchants who before the Revolution peopled this country with Blacks. This greed, in spite of all the remonstrances of the Legislatures then, served only to make this infamous traffic grow daily. The cultivation of tobacco and of cotton is again one of the reasons why the Southern States still have slaves; while those of the East, where properties are more divided and where they do not cultivate this sort of produce, do not have them."[41]

Even as enlightened a man as Thomas Jefferson was part of the greed and the sophistry. He benefited from slave labor, traded in slaves, and made no real effort to end the evil. Merrill D. Peterson, Jefferson's more recent and certainly friendly biographer, concedes that while Jefferson "continued to favor the plan of gradual emancipation, first published in the *Notes on Virginia* in 1785, neither he nor any other prominent Virginian was ever willing to risk friends, position, and influence to fight for it." When Jefferson was writing the Declaration of Independence, he had included a phrase criticizing George III for allowing trafficking in slaves. Jefferson said the line was deleted in Congress at the request of South Carolina and Georgia, which wanted to continue the trade. Peterson comments, however, that "Congress had other reasons as well for removing this bombast. True, as Jefferson knew from Virginia's experience, the Crown had suppressed legislative attempts to stop the importation of slaves. But the Virginians had been motivated perhaps less by humanitarian than by selfish considerations, such as protecting the value of their property in slaves and securing their communities from the dangers of an ever-increasing slave population. It ill became the Americans, north and south, who had profited from this infernal traffic to lay the blame on George III."[42]

Living in this environment the southern whites always realized they were in danger from their blacks. During the American Revolution the British often tried to threaten the southerners by appealing to the slaves.[43] In the years following the Revolution the situation worsened. John Marshall's mother-in-law, always a nervous woman, never went to bed at night without first having her personal servant (a Negro slave) look under the bed, so frightened was she. And also according to the Marshall family tradition, Polly herself lived in constant fear of slave assaults.[44] The problem not only existed in cities like Richmond, but was rampant among the plantations. At night, for example, plantation owners felt compelled to patrol around their

homes with dogs because they feared attack. Slavery had imprisoned the whites.

For Marshall, as a brigadier general in the militia, the problem was an official as well as a personal one. On September 24, 1793, he received a letter from a Robert Mitchell, warning of a possible slave uprising in Powhatan County just northwest of Richmond. Slaves from various plantations were congregating at a schoolhouse when they were surprised by some whites who captured and whipped them. The slaves then confessed that three hundred of them were to meet at the schoolhouse. One slave was seen in the neighborhood with a sword. "Taking all matters into consideration," said Mitchell, "I can't help thinking that the intended rising is true." Marshall immediately sent the letter on to the governor and asked that the militia be furnished with extra cartridges.[15]

That was not an isolated scare. From Northampton: "Sir: By the inclosed letter you will perceive that the people of this County are very much alarmed with the apprehension of an Insurrection of the Slaves. . . ."[16] From Charles City County in 1792 came a report of armed fugitive slaves killing an armed overseer, and the fugitives' ultimate capture after being chased by a band of whites using dogs to track them.[17] During the 1790s there was a wave of incendiarism throughout the United States, in both the North and the South. The cause of the fires was never proven, but the popular belief was that they were set by slaves. A white man imprisoned in the Richmond jail in 1800 met a number of jailed blacks there and reported that "It has come out that the fire in Richmond within these two years was the work of negroes."[18]

Fear of a black insurrection became stronger after 1791 because of what happened that year in Santo Domingo. The United States did much trading at that port, and the news from that city was quickly carried back to the American mainland where it had eager listeners. There seemed to be an analogy between the situations in the two areas in that both had white populations which were the masters and black populations which were the slaves. This is Marshall's account of what happened:

> Instead of proceeding in the correction of any abuses which might exist by those slow and cautious steps which gradually introduce reform without ruin, which may prepare and fit society for that better state of things designed for them; and which by not attempting impossibilities, may enlarge the circle of happiness, the revolutionaries of France formed the mad and wicked project of spreading their doctrines of equality among persons, between whom

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youth. Richmond alone would not afford employ for a musical professor."

This reporter found that the common fly was troublesome but there were only a few mosquitoes. While "apples, peaches, grapes, etc., are in plenty," the Virginians did not pay "a proper attention" to growing them. As for illnesses, "bilious and intermitting complaints are the most prevailing diseases. Children are sometimes afflicted with a dysentery. Colds are not so common as in England." The clergyman also found that "Those European prejudices are not known which insulate the man of rank and property and make him solitary in the midst of society. The man who made such pretensions to superiority would be despised." His account of the Virginia government, in which John Marshall took such an active part, is revealing of the caliber of the men in that government:

> Popular assemblies are convened only in the state to elect the members of the legislature. Business is conducted in them with regularity and propriety. There are no symptoms of aristocratic influence. There is a prevailing jealousy of property. The candidates sometimes canvass, but the established reputation of those who have not canvassed has often been sufficient to counterbalance the activity of the canvassing candidate. The elections are not attended with disorders, or at most very rarely. No expenses attend them, except to those who give a barbecue, or an entertainment in the woods, and then they seldom amount to a hundred pounds or a hundred and fifty pounds Virginia currency. Both houses are elected in the same manner, only a senator is for three years, the other house for only one year.
>
> Corruption in the legislature is unknown.

The minister also was impressed by the manner in which the people of Virginia cared for their poor. He wrote:

> Every county has certain respectable persons appointed, who are called overseers of the poor, who in their different wards ascertain who are objects of charity and at a yearly meeting assess all the free males and slaves, for what will be sufficient, and put the poor into decent, comfortable families, who receive a stipend for their care. A few beggars occasionally appear about towns. After travelling two months about this country I have met with one only. . . .
>
> There are no instances of oppression from the great. There are no instances of tumult among the multitude.[42]

On July 7, 1789, Marshall purchased lot 786 in Richmond for 150 pounds, and the next year the Marshalls moved into their new home. Although the house was built on what was then Richmond's outskirts, it was only a few minutes' walk from the courthouses, making the Shockoe Hill area where it was located a popular place for lawyers to live. The Marshalls soon had as neighbors John Wickham, Spencer Roane, and other prominent lawyers.* John Marshall drew the general design of the house himself. He avoided both the carefully constructed elegance of Jefferson's Monticello and the studied efficiency of Mount Vernon. Instead, he built a simple but commodious house, forty-five feet square, for himself and Polly and their children. Two and one-half stories high, the house is symmetrical, with doors centrally located in the exterior walls and each flanked by a window on its sides. The style of architecture is Federalist, which was prominent then. Actually the Federalist Style was a copy of an English style popular in the 1700s (and the English were imitating the Romans). Records indicate that the main house was surrounded by a number of smaller buildings, for the kitchen, the slaves' quarters, and also for John Marshall's law office.

Inside the house there is a parlor and a dining room. On the second floor is the master bedroom and two other bedrooms. Although the Marshalls ultimately had ten children, six of whom lived to maturity, the house with its three bedrooms was ample. The children doubled up in beds or slept in trundle beds; the custom of each child having a separate room was not then popular.

The house was a comfortable one and soon began to acquire signs that an active and prominent man lived there. The serving bowl on the dining room sideboard first belonged to Patrick Henry. The china was acquired almost thirty years after the house was built. Marshall's old school friend, James Monroe, was President of the United States then, and ordered the china in France, but a parsimonious Congress refused to appropriate the funds to pay for it. Marshall saved Monroe from embarrassment by purchasing the china himself. On the parlor shelves were Marshall's books, the histories, law books, and popular novels of the day. He read much and enjoyed it. In later years, when Polly was almost a total invalid and most of the time was confined to the bedroom, Marshall would sit with her, resting in a wingback chair and reading aloud to her.

*The Marshall house still stands in Richmond at the corner of what is now Ninth and Marshall streets. Owned by the city of Richmond, it is operated as a tourist attraction by the Association for the Preservation of Virginia Antiquities.

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fication convention that the federal government then proposed "is of a mixed nature. . . . In some respects, it is a government of a federal nature, in others it is of a consolidated nature . . . this government is not completely consolidated,—nor is it entirely federal."[5]

Marshall would become an advocate of an absolute; Jefferson, also. From the clash of these two men—not from either one, but from both of them together, from the clash of their philosophies—not from the philosophy of either one—would emerge the concept of the United States of America.

Almost from the adoption of the Constitution John Marshall had been aware that problems remained unsolved, and he was concerned by them. The news in 1790 that Canadian troops had occupied Presque Isle, supposedly an American possession, made Marshall feel that "we must bid adieu to all hope of peace and prepare for serious war." By 1791 he was lamenting that "there appears to me every day to be *more* folly, envy, malice and damned rascality in the world than there was the day before."[6] These were only partly the modest ravings of a middle-aged man who was growing slightly stuffy. More it was concern at the apparent unfulfillment of the American promise. A few years later, in his biography of Washington, Marshall wrote this explanation of what was happening in the 1790s:

> It has been already stated that the continent was divided into two great political parties, the one of which contemplated America as a nation, and laboured incessantly to invest the federal head with powers competent to the preservation of the union. The other attached itself to the state authorities, viewed all the powers of congress with jealousy, and assented reluctantly to measures which would enable the head to act, in any respect, independently of the members. Men of enlarged and liberal minds who, in the imbecility of a general government, by which alone the capacities of the nation could be efficaciously exerted, could discern the imbecility of the nation itself; who, viewing the situation of the world, could perceive the dangers to which these young republics were exposed, if not held together by a cement capable of preserving a beneficial connexion; who felt the full value of national honour, and the full obligation of national faith; and who were persuaded of the insecurity of both, if resting for their preservation on the concurrence of thirteen disunct sovereignties; arranged themselves generally in the first party. The officers of the army, whose local prejudices had been weakened by associating with each other, and whose ex-

perience had furnished lessons on the inefficacy of requisitions, which were not soon to be forgotten, threw their weight almost universally into the same scale."[5]

What was actually happening was the development of a political structure in which the philosophical dispute could be handled. The need quickly became evident. In 1791 Congress had enacted an excise tax on whiskey. The tax was suspect at first among the followers of Jefferson because its foremost advocate was Alexander Hamilton. Jefferson and Hamilton already were squaring off in their conflict over the powers of the central government. The trouble escalated when some western Pennsylvanians refused to pay the tax, and the federal government was obliged to send troops to blunt what seemed to be developing into open rebellion. Although the taxation-without-representation issue that had sparked the American Revolution was not an issue in the Whiskey Rebellion, some persons were critical of the show of force by President Washington, comparing it to George III sending troops to quell the American rebellion.

Washington particularly was saddened by what had happened. "The protection they receive," he said to a friend of the westerners who had revolted, "and the unwearied endeavours of the General government to accomplish—by repeated and ardent remonstrances—what they seem to have most at heart, viz., the navigation of the Mississippi, obtain no credit with them, or what is full as likely, may be concealed from them or misrepresented by those Societies who under specious colourings are spreading mischief far and wide either from *real* ignorance of the measures pursuing by the government, or from a wish to bring it, as much as they are able, into discredit; for what purposes, every man is left to his own conjectures."[6]

The "Societies" he referred to were the Democratic clubs organizing throughout the United States in support of Jefferson and his principle of decentralized government; at least, many of these societies were taking Jeffersonianism as their theme. Believing that these societies were fomenting revolt "for what purposes every man is left to his own conjectures," it was not difficult for Washington and the other Federalists to believe that Jefferson himself was the man responsible. In turn, Jefferson was suspicious of the Society of Cincinnati formed after the Revolution by American officers. It was a not uncommon belief then that power lay with men who had both arms and the discipline to use them. The Society of Cincinnati seemed to Jefferson to be a quiescent army, waiting to fall in and march into battle

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59. Malone, vol. I, p. 51.
60. *William and Mary Quarterly*, July 1900, p. 22. D. R. Anderson, "The Teacher of Jefferson and Marshall," *South Atlantic Quarterly*, Oct. 1916, p. 340.
61. For Wythe biographical material, see D. R. Anderson, "The Teacher of Jefferson and Marshall," *South Atlantic Quarterly*, Oct. 1916, pp. 327–29. Malone, vol. I, pp. 68–71; Calhoun, p. 297.
62. Printed in *William and Mary Quarterly*, Jan. 1912, p. 41.
63. Brown letter, July 6, 1870, in *William and Mary Quarterly*, Oct. 1900, p. 80.
64. D. R. Anderson, "The Teacher of Jefferson and Marshall," *South Atlantic Quarterly*, Oct.
65. F. N. Mason, p. 7. 1916, p. 329.
66. "Original Records of the Phi Beta Kappa Society," *William and Mary Quarterly*, April 1896, pp. 213, 215, 236.
67. W. F. Swindler, "John Marshall's Preparation for the Bar," *American Journal of Legal History*, 1967, pp. 207–13.
68. A photocopy of the Marshall notebooks is in the Manuscript Division, Library of Congress.
69. County Court Minutes, Fauquier County, Va., 1773–1780, p. 473 (a microfilm copy is at the Virginia State Library).
70. *Southern Literary Messenger*, Feb. 1836, p. 183.
71. See Beveridge, vol. I, pp. 144–45, for an anti-Jefferson account of this incident; and Malone, vol. I, pp. 354–57, and Peterson, p. 236, for friendlier ones.
72. Peterson, p. 164.
73. JM statement, June 4, 1828, Revolutionary War Pension Files, John Crawford—S 8256, National Archives.
74. Printed in Howe, p. 518.
75. Printed in *The London Gazette*, undated clipping in Pickering Papers, Library of Congress.
76. Fortescue, vol. V, p. 256.
77. Rose, pt. 1, p. 100.
78. Fortescue, vol. VI, p. 416.
79. King, vol. III, p. 202.
80. Marshall, *Autobiographical*, p. 7.
81. P. Slaughter, *St. Mark's*, pt. 1, p. 73; Calhoun, vol. I, pp. 247–48.
82. The lock of hair story was told by Edward Carrington Marshall in *The Green Bag*, Dec. 1896, p. 481. The locket now is in the possession of Mrs. Kenneth Higgins of Richmond, Va., who kindly showed it to the author Aug. 12, 1969.
83. F. N. Mason, p. 20; *Virginia Cavalcade*.

BOOK TWO: LAWYER AND POLITICIAN

[1]

1. Howe, p. 266; *Century*, June 4, 1859, p. 1.
2. Marshall, *Autobiographical*, p. 7.
3. "Chief Justice Marshall," *New York Review*, Oct. 1838, p. 353.
4. Quoted in Flanders, p. 25.
5. "Auditor's Certificates 1781," vol. 176, pp. 146, 152, 153, 160, 161, 167, 171, 176, 182, 204, 213, 216, 226, 231, 235, 254, 271, 324, 357, 403, in RG 93, National Archives.
6. "Auditor's Certificates 1781," vol. 176, pp. 46, 51.
7. Military Certificates, No. 1, 1–1805, p. C; Land Office Military Certificates, Box 122; Bounty Warrants, Box 99, Virginia State Library.
8. Jefferson to Nicholas Biddle, Dec. 26, 1809, Nicholas Biddle Papers, vol. II, 236, Library of Congress.
9. Grants 15, 1767, pp. 393–

97 Warrants 17721, 19430, 19431 19432, 1783, Land Office Military Certificates, Box 122, Virginia State Library.

10. Schoepf, vol II, p. 61.
11. Freeman, vol 1, p. 160, *Virginia Magazine of History & Biography*, July 1952, pp. 420-21, Samuel, pp. 18-46.
12. Schoepf, vol II, p. 61.
13. Stanard, p. 53.
14. Schoepf, vol. II, pp. 61-63, 94-95; Samuel, pp. 117-19; Calhoun, p. 243; Simkins, p. 69
15. Mass, vol II, p. 392
16. *Bulletins, Fauquier*, July 1932, pp. 139-40, *Fauquier County Records*, Roll 28 (on microfilm at the Virginia State Library).
17. H Marshall, vol I, p. 121.
18. *Calendar*, vol. II, p. 672; Hening, vol. XI, p. 283; Executive Letter Book, 1788-1792, p. 10, Virginia State Library.
19. *Calendar*, vol IV, p. 391.
20. McClung, pp. 184, 216-18. (In F. N. Mason, pp. 58-59, Thomas Marshall is incorrectly identified as John's brother.)
21. Fitzpatrick, *Writings*, vol. XXVIII, p. 209; Fitzpatrick, *Diaries*, vol III p. 97.
22. Executive Papers, Box 55, Virginia State Library.
23. Van Santvoord, p. 321.
24. Corwin, *John Marshall*, p. 33.
25. "Life of Judge Marshall," *Port Folio*, Jan 1815, p. 6.
26. Christian, p. 30.
27. A. Gallaun letter, Feb. 15, 1845, *Virginia Historical Register*, 1848, vol. I, p. 96.
28. JM, Mar. 17, 1785, Gulick Autograph Collection, Princeton.
29. JM to Alexander, Feb. 10, 1787, JM Papers, Library of Congress.
30. Washington Papers, vol. XVI, p. 139, Reel 6, and vol. XVI, p. 184, Reel 7, Library of Congress.
31. Henry E. Huntington Library, RB 39002:8 (p. 436).
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33. JM to Monroe, Feb 24, 1784, Monroe Papers, New York Public Library.
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35. Mass, vol II, p. 429
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39. JM to Leven Powell, Dec. 9, 1783 in *John P. Branch Historical Papers*, June 1902, pp. 130-31.
40. JM letter, Feb 12, 1783, photostat Von Hemert Autograph Collection, Princeton.
41. JM letter, Dec. 12, 1783, Library of Congress.
42. JM to James Monroe, Apr. 17, 1784, Monroe Papers, New York Public Library.
43. JM to Lee, Apr 17, 1784, Lee Family Papers, Mss 1-L512b, vol II, pp. 251-52, Virginia Historical Society.
44. JM to Monroe May 15, 1784, Monroe Papers Series 1, Reel 1, Library of Congress.
45. *Journals of the House of Delegates*, May-June 1784 session.
46. Henry, vol. II, p. 219.
47. See Alden, *A History*, pp. 350, 351 Peterson, pp. 135, 141, 142, Julius F. Prufer, "The Franchise in Virginia," *William and Mary Quarterly*, Oct., 1927, p. 259, Malone, vol I, p. 279, Hart, p. 137, Hunt, *Madison*, vol II, p. 183(n); Ketcham, pp. 162-63.
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49. Virginia Acts, Oct. 1785, p. 19, Virginia State Library.
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61. Samuel, pp. 183–90.
62. G. W. Munford, pp. 326–38.

[2]

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4. Nathan Dane to Rufus King, Oct. 8, 1785, King, vol. I, p. 68.
5. Marshall, *Washington*, vol. V, pp. 61, 31.
6. *Ibid.*, pp. 89–90.
7. From Massachusetts Legislative Doctrines, vol. XXIII, p. 260, in King, vol. I, p. 58.
8. McRee, vol. II, p. 48.
9. Beard, p. 48.
10. William Plumer to John Hale, Sept. 18, 1786, Plumer Papers, Letters, Container 7, Library of Congress.
11. Marshall, *Washington*, vol. V, pp. 111–12.
12. *Ibid.*, p. 113.
13. *Ibid.*, p. 119.
14. *Ibid.*, p. 114.
15. Madison to Edmund Pendleton, Feb. 24, 1787, printed in U.S. Department of State, *Documentary Hist.*, vol. IV, p. 83, *Parkes*, p. 109.
16. Marshall, *Washington*, vol. V, pp. 44–46.
17. *Ibid.*, pp. 94–95.
18. JM to James Wilkinson, Jan. 2, 1787, Durrett Collection—Miscellaneous Mss., University of Chicago Library.
19. JM to Arthur Lee, Mar. 5, 1787, Lee Family Papers, Mss. L 5126, vol. II, pp. 335–37, Virginia Historical Society.
20. Lee, vol. II, p. 320.
21. *Proceedings*, vol. XVII, p. 470.
22. Churchill, vol. III, p. 256.
23. Biddle, pp. 217–18.
24. Monroe to J. Madison, Oct. 13, 1787, in Hamilton, *Monroe*, vol. I, p. 176.
25. *Journal of the House of Delegates*, Oct. 1787, p. 25; Bradshaw, p. 141.
26. Fitzpatrick, *Writings*, vol. XXIX, pp. 357–58.
27. Hunt, *Madison*, vol. V, pp. 121–22.
28. Grigsby, *Convention of 1788*, vol. I, p. 54; St. George Tucker letter, June 29, 1788, printed in Conway, p. 106.
29. Grigsby, *Convention of 1788*, vol. I, pp. 9–12.
30. Gerry Papers, Correspondence 1773–1817, New York Public Library.
31. McRee, vol. II, p. 170.
32. Fitzpatrick, *Writings*, vol. XXIX, pp. 51–52, 302, 323–24.
33. *Ibid.*, pp. 327–28.
34. Hamilton, *Monroe*, vol. I, p. 181.
35. Marshall, *Washington*, vol. V, p. 132.
36. Henry to John Lamb, June 9, 1788, in Henry, vol. II, p. 343.
37. Conway, pp. 100–01; Van Santvoord, p. 315.
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40. J. M. Brown, pp. 78, 84, 118; H. Marshall, vol. I, p. 254; JM to George Muter, Feb. 11, 1787, JM Papers, Library of Congress.
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42. W. C. Ford, *Writings of Washington*, vol. X, p. 488.
43. M. C. Tyler, pp. 310–11, 307.
44. Fitzpatrick, *Writings*, vol. XXIX, p. 450.
45. Grigsby, *Convention of 1788*, vol. I, pp. 23–28.
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47. Grigsby, *Convention of 1788*, vol. I, pp. 31–32; J. M. Brown, p. 107; Marshall, *Washington*, vol. V, pp. 131–32; see Beveridge, vol. I, p. 330, for a differing view.
48. *Debates*, 1788, p. 13.
49. King, vol. I, p. 330.
50. Grigsby, *Convention of 1788*, vol. I, p. 4.
51. Farrand, vol. III, pp. 124–26.
52. *Ibid.*, pp. 644–45; Randolph letter, Sept. 15, 1787, Executive Communications, Virginia State Library; Grigsby, *Convention of 1788*, vol. I, pp. 84–85; Conway, pp. 92–93; Madison, vol. I, p. 387.
53. Elliot, vol. III, pp. 24–26.
54. William Grayson to Nathan Dane, June 4, 1788, Dane Papers, Library of Congress.
55. *Debates*, 1788, pp. 32–33.
56. *Ibid.*, pp. 51–61.
57. Fitzpatrick, *Writings*, vol. XXIX, p. 512.
58. Elliot, vol. II, pp. 178–79.
59. *Ibid.*, pp. 51–61.
60. F. N. Mason, p. 52.
61. King, vol. I, p. 316.
62. See *Debates*, 1788; Tyler, *Henry*, pp. 331–32.
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68. William Grayson to Nathan Dane, June 18, 1788, Dane Papers, Library of Congress.
69. Grigsby, *Convention of 1788*, vol. I, p. 281.
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73. Ketcham, p. 59.
74. James Madison to Rufus King, June 13, June 22, 1788, in King, vol. I, pp. 332, 336–37.
75. *Debates*, 1788, pp. 467, 468; H. Marshall, vol. I, p. 287; Grigsby, *Convention of 1788*, vol. I, pp. 318–19.
76. B. Mitchell, pp. 2–3.
77. Monroe to T. Jefferson, July 12, 1788, in S. M. Hamilton, vol. I, pp. 185–86.
78. King, vol. I, pp. 337–38.
79. J. Madison to Rufus King, June 22, 1788, King, vol. I, p. 337.
80. Grigsby, *Convention of 1788*, vol. I, p. 318.
81. Elliot, vol. III, p. 652.
82. *Ibid.*
83. Spencer Roane to Philip Aylett, June 26, 1788, Roane Letters, *Bulletin of New York Public Library*, 1906, p. 167.
84. G. Washington to Benjamin Lincoln, June 29, 1788, Fitzpatrick, *Writings*, vol. XXX, p. 12.
85. Printed in Frank J. Schechter, "The Early History of the Tradition of the Constitution," *American Political Science Review*, Nov. 1915, p. 726.
86. W. W. Story, vol. I, pp. 391–92.
87. See Beard, especially pp. 149, 324–25.

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1. The best overall description of the case, and the one on which the above account is drawn, is by John Marshall himself, in the notes he made on the trial and which are at the Virginia Historical Society. For Henry's role, see Henry, vol. II, pp. 491–92; R. D. Meade, *Henry . . . Revolutionary*, pp. 417–20. For the Randolph side, see Bruce, vol. I, pp. 102–12, and vol. II, pp. 262–63, and Garland; vol. I, pp. 12, 61, 63. Jefferson's advice to his daughter is in Randall, vol. II, p. 221; his comment on Marshall was told by Rutherford B. Hayes,

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thought could be covered by the sale of some of his assets back in Wrentham. If the check was to be honored, Horace would have to use his personal funds. Probably for the first time in his life, Horace Mann refused to go along with his brother's ventures. He reported to Lydia, "I have written to S.—I have declined accepting his draft, but sent a small sum of money to soften his disappointment." Charity he still would give, but an investment in a commercial venture was a thing of the past. The draft had been written in favor of Amos Lovering, a former neighbor from Wrentham, now also in Louisville. Lovering wrote to Mann, urging him to support Stanley in his new effort. Mann refused, saying that he had no funds for Stanley's newest scheme of speculation. Two months later, Lovering sent an urgent plea for Horace to come to his brother's assistance, denying that the money was wanted for speculation. He described Stanley's "prostrating sickness among strangers," his desire "to go to work for his children," his "entire desolation," and his professed anxiety to do "something to soothe and save the remnant of his days from a premature grave where none cared to throw a clod on him." He added that Stanley had not been drinking lately, but that he was badly in need of clothes. Horace Mann now turned a deaf ear to all these pleas. He could not or would not help his brother again. Within a year, Stanley was dead. He was buried in an unmarked grave in Louisville, a long way from the churchyard and Mann farm in Franklin.[*]

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In an attempt to explain recent events by seeking a sense of guilt for following false idols, one flaw in Mann's rationalization gradually became apparent. Life after death had been an integral part of his former faith. Now in his shift towards skepticism, he was troubled by a recurring fear that this was also a delusion. And if this were so, then what was Charlotte's present state? As late as one year after Charlotte's death, he had expressed his hope that she was in a better world; but by this time Mann was vacillating between faith and doubt, at once believing that Charlotte was near him in spirit and yet fearing that she had no existence beyond the grave. If God's providence and a moral universe could be a delusion, then too life

[*] Mann to Lydia Mann, June 5, 1834; Amos Lovering to Mann, June 18, August 15, and October 15, 1834, all in Mann MSS:MHS; Mann, *Mann Genealogy*, p. 26.

beyond the grave; and it could be argued that all that remained of Charlotte now rested in the North Burying Ground. But Horace Mann was in no condition to accept the conclusions of such a cruel logic.[6]

Early in 1834, William Ellery Channing's sister-in-law died. On Easter Sunday the Unitarian minister chose to preach on the death "of an Excellent and Very Dear Friend," and express his own belief in the Resurrection.[7] As usual, Elizabeth Peabody was on hand to hear her "great high priest." Looking towards the front of the congregation and watching Channing enter the pulpit, she also recognized the back of a familiar head. Horace Mann was there to hear the Easter sermon. Physically, the man to whom all eyes were now drawn had a slight and fragile frame which appeared to have weathered the ravages of illness with only partial success. No doubt those who came to hear him for the first time were disappointed at the appearance of this wisp of a human being. With his first words, however, Channing often transformed their disappointment into rapt attention and respect. The quality of his sentences bore witness to a man of almost totally pure mind and conscience. To New England audiences wearied of the thundering jeremiads of a Jedediah Morse or a Lyman Beecher, Channing offered sweet relief. In place of moving his listeners to repentance and a submission to God's will, the Unitarian minister spoke of God's love and human perfection. But more than this, his appeal as a preacher came through the quality of his voice. Soft, yet audible, clear and pure, yet penetrating, he achieved a quality of intensity and sincerity through a rising inflection as he spoke. Emerson claimed his voice was one of the three most eloquent he had ever heard. And it was said by others that if Henry Clay's voice was like an organ and Webster's that of a trumpet, Channing's voice was truly a harp.

On this Easter Sunday he spoke on Ephesians 1:20, "He raised him from the dead, and set him on his own right hand in the heavenly places." Noting that many teachings have been drawn from Christ's Resurrection, Channing thought this historical event was particularly fitted to confirm the Christian doctrine of life after death. He realized this was a difficult teaching. As rational men watched a body lowered into the grave, their senses almost com-

[6] Elizabeth Peabody to Mary Peabody, December 21, 1833, and November 29–30, 1834. CJ in NYPL.
[7] William Ellery Channing, "The Future Life," *Complete Works of William Ellery Channing, D.D.* (London, 1884), pp. 273–278.

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preacher requested. [illegible] from such heaven, he hoped to improve the "tone and spirit [illegible] considerable portion of the community. It was an optimistic [illegible] possibly unrealistic proposal, but the reform impulse was made of such stuff."[8]

At a time when so many others were bent on making money, Channing's words rang true and clear to Mann. Within the temperance movement he had gained a sense of identity, purpose, and permanence, which had eluded him in both the General Court and his law practice, and he gave every indication that he received more satisfaction from being elected vice-president of the Massachusetts Temperance Society than president of the state Senate. "I begin to believe," he wrote to Mary Peabody, "that the triumph of this cause will be one of my compensations, if doomed to live much longer. . . ." And when he failed to observe a single "staggerer" on the Boston Common on Independence Day, he jubilantly recorded in his Journal, " *Laus Deo et societatibus temperantiae!* " Since the will power and moral resolution of the common man at times was inadequate and it was therefore necessary to remove temptations along his path, Mann thought that there were literally "thousands and tens of thousands of inebriates who never would have been so, had the tavern and the dram shop been five miles from their homes." Somehow he would not allow himself to think that the temperance reform, and all other efforts to perfect men and women, might be doomed because excessive and irrational behavior was an inextricable part of human nature.[9]

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If a juxtaposition of his recent experiences in the General Court with those of the temperance movement helped Mann to distinguish between the transient and the intrinsic, other events in 1837 etched the distinction even more sharply in his mind. During this period, death again visited his diminishing circle of family and friends, and with each tragedy, Mann let himself sink more deeply into a miasma of morbid self-pity which far outlasted any conventional period of mourning. His mother died early this year and as he attempted to record the salutary influence she had had upon his life, he soon fell

[8] Mann to Lydia Mann, January 25, 1836; Mann to Mary Peabody, March 6, 1837, all in Mann MSS: MHS.
[9] Mann to Mary Peabody, March 6, 1837, Mann MSS: MHS; Mann, *Life*, 56, April 29, 1837; Mann, Journal, July 4, 1837, MS in MHS.

back to his own plight as he had with the deaths of Asa Messer and Silas Holbrook. "My first feeling is," he lamented, "not that bad, but that good fortune had overtaken the departed." He thought of himself "on the isthmus, between time and eternity," having "long ago left the earth," but not yet having "entered the world beyond it." And with the loss of his mother, once again the memory of Charlotte's death overflowed the mental restraints in which he attempted to confine it.

Little now remained of his immediate family. His father, a proud yeoman of Franklin, had sired three sons and two daughters, who were to have been the fourth generation to live on Mann's Plain. Now both parents had died and both his brothers' lives had ended in tragedy. All that remained was a sister, Rebecca, widowed a few years after her marriage, Lydia, well on her way to spinsterhood, and himself, a widower. Even the farm, which through the years had remained a symbol of independence and continuity for the Manns, was now in jeopardy.[1] Within a year, it too would be lost to Lydia's creditors, a last bitter reminder of Stanley's excessive ambition. When she was finally forced to leave the house on Mann's Plain, Mann offered his sister the grim consolation that "the line of human beings, that preceded us into the world, have now almost all left it . . . and in all probability [we] shall be the next to leave it." If the family line was to continue, the responsibility rested with the next generation, the children of Stanley and Rebecca.[2]

Acting on this belief, Mann invited his nephew, Calvin Pennell, now in his late teens, to come to Boston during "anniversary week" when the many reform societies held their annual meetings. Lest Calvin expect a week of carnival and sightseeing, Mann was specific in what his nephew could anticipate.

> Three or four public societies will hold their meetings each day, when the general condition of the Society, the prosperity of the cause in which they have embarked etc., etc., will be the subjects for reports, speeches etc. Among them will be the Education Society, the Abolition Society, etc., etc. It is a most interesting week, full of instruction and of stimulus to a young mind. I wish you to witness it.

[1] Mann to Mary Peabody, March 6, 1837; Mann to Elizabeth Peabody, March 20, 1837; Mann to Lydia Mann, n.d. [February, 1837], all in Mann MSS:MHS.

[2] Mann to Lydia Mann, n.d. [ca. 1837], and November 27, 1837, Mann MSS:MHS; Journal, March 28, 1838, MS in MHS.

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I loved success, but it was always because it increased my means of adding to her enjoyment. If I had done aught of good, my reward did not consist in the gratitude, it awakened, but the pleasure it gave to her. Thus no plan, no scheme, no purpose was resolved on, until the thought of her had been at the council, and my heart grew fastidious, and refused [any] enjoyment, that did not come to it, refined, purified and heightened through her enjoyment. Who then can know the entirety, the completeness, the universality of that loss.

Even with the next morning, after such an emotional catharsis, there came only a partial recovery. Thoughts of the awful tragedy stubbornly hung in his mind like bats in the roof of a cave, apparently taking flight when he slept, but always back at their roost by morning. Ready to accept a temporary armistice with his doubting, accusing self, he wrote, "So if the bond *must* be broken—if the unity *must* be divided, —then has it happened rightly." But still the question persisted, "*Why must* it have been so? Is not that an inscrutable mystery?"[7]

Personal suffering notwithstanding, there was no postponing his appearances at the Worcester Convention of the American Institute of Instruction. By the first week in August the *Columbian Centinel* and the Boston *Weekly Messenger* carried announcements on the forthcoming meetings and the Boston *Daily Advertiser and Patriot* editorialized that Mann's presence would "greatly increase the interest of the meetings."[8] Mann returned to Boston for several days and dispatched copies of the "Address of the Board" and the "Circular to the School Committees" to school committee members in every town, informing them of the time and place for the convention he was to hold in their county. In addition, he wrote letters to individuals throughout the state, asking for their help. Among them was Reverend Thomas Robbins, a staunchly orthodox and respected Congregational minister and member of the Massachusetts State Board of Education. Mann asked Robbins to publicize the meeting and do whatever he could to ensure a good turnout. Since he had also scheduled meetings in Nantucket, Barnstable, and Plymouth, Mann hoped Robbins would accompany him to these places and lend the support of his presence. "My purpose," he wrote to Robbins, "is to prepare an address explanatory of the objects of the Board and noticing some particulars, in which our means and methods of education may be

[7] Mann, Journal, August 1, 1837. MS in MHS.
[8] August 5, 1837. See also the *Massachusetts Spy*, August 16, 1837.

improved." To Jared Sparks he wrote for similar help. He also purchased a saddle for $26 and a dark bay mare "warranted sound and seven years" for $150.[1]

Everything apparently in order and his speech put to paper, Mann shipped a small trunk from Attleboro and left Wrentham for Worcester a few days later. Although a newcomer to the Institute, upon his arrival he was hardly among total strangers. The evening before the first session, he visited far into the night with his old friend and associate, William B. Calhoun, the most level-headed of the three trustees who had directed the building of the lunatic asylum. Mann considered Calhoun "of good sense, if not of genius," and as others shared this opinion, Calhoun found himself the next day chairman of the first session as the delegates filed into Bromley Hall and organized their agenda. Partly as a courtesy and partly to take his measure, the members asked Mann to serve on a panel with Cyrus Peirce of Nantucket, A. Bronson Alcott of Boston, and James G. Carter of Lancaster, to discuss school libraries and teaching apparatus. Sensing the audience was mainly interested in his views, Mann kept his statements general and noncontroversial. If he had any misgivings of how well his words were received when he left the meeting hall that night, they were quickly dispelled the next morning when it was decided by acclamation to add his name to the list of Institute vice-presidents, there to join such illustrious men as Carter, Lyman Beecher, Theodore Dwight, and Jacob Abbott.

The next days were taken up with additional discussions and impromptu speeches sandwiched in between some ten prepared addresses later to be published and distributed by the Institute. Much of what he heard impressed Mann and he took special note of the remarks made by Reverend Charles Brooks of Hingham. Upon his return from Europe two years before, Brooks had met a certain Dr. H. Julius, and during their forty-one-day passage from Liverpool to New York, Julius had completely convinced Brooks of the superiority of the Prussian system of education, especially its network of state-controlled teachers' seminaries. By the time he returned to the Old Bay State, Brooks was an unquestioning convert, fired with a zeal for his new cause which approached fanaticism. He begged newspaper space when he could, paid for it when he must, and launched a statewide campaign for the establishment of public teacher training in-

[1] Mann to Thomas Robbins, August 10, 1837, Robbins MSS:CHF, Mann to Jared Sparks, August 10, 1837, Sparks MSS:HCL; receipts for both saddle and horse are in the Mann MSS:DHS.

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to be a wise move. In addition to becoming a major voice in the defense of human liberty, they expected him to promote the cause of public education on a more national scale.[5]

Officially, Mann played down his continued educational role. In his letter of acceptance to the nominating convention, he promised to dedicate himself, if he were elected, to "*Unwavering fidelity to the great principles of human freedom*" and the "*exercise on all occasions, of voice and vote, in extending and securing liberty to the human race.*" Then, concluding with a more personal note, he added that he had preferred to remain as secretary to the Board, but the real possibility of slavery in the new territories forced him to alter his own more immediate priorities. "The enactment of laws which shall cover vast territory, to be applied to myriads of human beings who are hereafter to occupy that territory, is a work which seems to precede and outrank even education itself," he told his supporters. Most agreed, although Josiah Quincy thought that freedom without education was an impossibility. As Mann readied himself for the trip to Washington, Quincy urged him to remember that he was going on behalf of every child that now is, or that for centuries will be, between here and Oregon. Your knowledge and reputation, will at once make you the rallying point for the friends of education. . . ." He would be carrying with him the impressive credentials of an untiring and selfless humanitarian. The future then looked promising for Horace Mann, moralist and educator now turned politician.[6]

But appearances could be deceiving. Supported by both Cotton and Conscience Whigs, as well as by members of the Liberty Party, Mann was a coalition candidate. Privately, he was unalterably opposed to the Mexican War, but under certain circumstances, his conscience would permit him to vote for a slaveholder such as Zachary Taylor, a position Sumner would soon find reprehensible. Thus he would leave Massachusetts representing a divided constituency, and after his initial period of grace, each faction could attack him for not adhering to its own doctrinaire position. The temper of the times did not include a charity which would permit him to occupy

[5] Josiah Quincy to Mann, March 16, 1848; Eben Avery to Mann, March 27, 1848; Henry Barnard to Mann, April [illegible] 1848; and Thomas Kinnicutt to Mann, April 4, 1848, all in Mann MSS: MHS.

[6] Josiah Quincy to Mann, March 16, 1848, Mann MSS: MHS. Mann's letter of acceptance was published in the Boston *Daily Advertiser*, March 23, 1848. It was later included in his *Slavery: Letters and Speeches* (Boston, 1851), pp. 1–9.

some high moral ground. Instead, he would be forced to descend into the valley and there experience the wicked political crossfire which could destroy all but the most adept and resilient of men.

To be sure he journeyed to the Capitol unimpeded by explicit campaign pledges or party instructions. But he did carry with him the greater burdens of contradictory expectations within the Whig Party and the impossible hopes of his would-be supporters. As a northern Whig, it was contradictory to expect him to support measures which would strengthen a coalition with the party in the South, while still maintaining an implacable opposition to the extension of slavery. And those Massachusetts well-wishers who expected a performance of him in the House equal to that of John Quincy Adams, while he maintained a lofty, political neutrality from which he could promote common schools on a national level, surely expected the impossible. Such was the challenge awaiting this man from Massachusetts who had agreed to carry Elijah's mantle.

[1] Mann to E. W. Clap, March 24, 1848, Mann MSS: MHS.

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psychologically and morally it was under a relentless and penetrating moral attack from which existing political bulwarks were of little use. Attempting to extricate themselves from a siege mentality, young southern Hotspurs began to dream of more radical alternatives, including a great slaveholding republic incorporating Cuba and parts of Mexico and governed by a planter aristocracy of breeding and wealth, blissfully free of northern industrialism and the fanaticism it bred.

Older men such as Zachary Taylor discounted secession as a serious threat. Dining at the White House and sitting next to the President "with only a lady in between," Mann was amazed at the simplicity with which this former military officer thought the impending crisis could be resolved. Judging from the level of the discussion of political affairs, Mann was convinced that he was a "simple-minded old man," who "talks as artlessly as a child about the affairs of state." Mann was even more amazed that Taylor found little to criticize when a guest from across the table pronounced that disunion could be nipped in the bud, "without shedding a drop of blood." All that was necessary was for the President to dispatch the navy to blockade southern ports at the first sign of rebellion. For Mann it was almost inevitable that a military man could produce nothing else than a military solution.[7]

Fortunately, more sensitive and sophisticated politicians did sense the gravity of the situation and cast about for possible compromises. "There are dark clouds over hanging the future," Mann reported to Mary, "and worse, they are full of lightning." And many in the Congress agreed, including the ancient Henry Clay. Beginning with an unassailable article of faith that, regardless of the validity of the immediate moral and economic arguments against slavery, the interests of liberty would be served best through the preservation of the Union, Clay fashioned his last great compromise and presented it to the Senate on January 27, 1850, in the form of a series of resolutions touching the main aspects of the sectional controversy. Essentially, they were four in number. (1) the prompt admission of California with its constitution prohibiting slavery; (2) the establishment of territorial governments in Utah and New Mexico, the matter of slavery to be decided at a later date; (3) a new fugitive slave law which the North must agree to enforce; and (4) the abolition of the slave trade in the District of Columbia. The initial reac-

[7] Mann to Mary Mann, March 1, 1850, Mann MSS: MHS.

tion from many parts was opposition, and from what he could learn at the dining table at Gordon's and glean from the conversations in Capitol corridors, Mann was certain it had little chance of passage since southerners were "taking strong ground against it." He thought there would be equal opposition from the North.[1]

Clay, however, was not about to retreat from an initial rebuff when he thought the future of the nation was at stake. In a speech which lasted the better part of two days, he earnestly appealed for concessions from both the North and the South. Still a graceful figure, although only a shadow of "Young Harry of the West," he appeared to spectators in the galleries and to the Senators on the main floor as a man of matchless patriotism and with an almost hypnotic power of appeal. Occasionally his voice faltered, his lungs wracked with pain, but this only made the audience thrill more to this courageous statesman as he struggled for one last triumph of volition over the ravages of time. Pleading his cause before an assembly where there were more than a few moist eyes, Clay concluded with the warning that no state had the right to secede from this great nation and that if the South made the attempt to do so, it would be the prelude to a bloody war. Mann too was moved by Clay's selfless effort to perpetuate the Union. "There is hardly another slaveholder in all the South who could have periled his popularity to such an extent," he wrote. "I think, regarded *as a compromise*, Mr. Clay has done pretty well." But if he was moved, he could not let himself be convinced. He had decided not to support the resolutions, "rebellion or not." The admission of New Mexico and Utah without the prohibition of slavery would have been the bitterest of medicines to swallow, but he would positively gag on a fugitive slave law which gave the slave-hunter free rein in the North. "I consider no evil so great as that of the extension of slavery," he wrote to Mary at the conclusion of Clay's appeal, and a week later he added for emphasis, "I do not concede their right to carry slavery into the territories *at all*. . . . I should prefer dissolution even, terrible as it would be, to slavery extension."[2]

Although Mann thought there was sufficient opposition from the South to defeat the compromise, he also wanted to put his position on public record as part of an attempt to rally northern Whigs who were still undecided. A week after Clay's speech, he gained the

[1] Mann to Mary Mann, January 30, 1850, Mann MSS:MHS.
[2] Mann to Mary Mann, February 6, 7, and 14, 1850, Mann MSS:MHS; Carl Schurz, *Henry Clay* (Boston, 1887), II, 339–341.

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CHAPTER THIRTY-TWO

The Occasional Conformity Bill

1702-3, Winter

QUEEN Anne was overjoyed by all she heard from Europe. Here was the admirable Mr Freeman, long the unfailing friend and champion of "poor unfortunate, faithful Morley," of whom every one now at last spoke so well. Her chosen Captain and Minister had returned home with laurels from the wars very different from those which "Mr Caliban" had ever gained—he who had never even acknowledged our congratulations upon Namur. And what was Namur compared to Venloo, Ruremonde, Liége, and all the others; not to speak of the French being smitten and chased time after time; and both Houses of Parliament so pleased about it all? Nothing would content her but that he must be made Duke, and £5000 a year must be settled upon him and his descendants for ever. Thus only could he maintain the station she had accorded him. Surely the House of Commons would not object to that. And dear, beloved Mrs Freeman—how proud she ought to be of her lord! How the Queen wished she could do more for them! Thus in the goodness and gratitude of her heart thought Queen Anne. But both Sarah and the Parliament were a good deal cooler. Sarah manifested a violent opposition to the dukedom; and the Commons would have nothing to do with the perpetual grant. Both have left their reasons on record.

The Queen prepared her reward for Marlborough with all that love of a surprise with which a mother would surround a birthday present to her child. She contrived it with her Ministers in secret, and only on October 22 wrote to Sarah:

Lord Treasurer intends to send you a copy of the address of the House of Lords which is to be given me to-morrow, and that gives me an opportunity of mentioning a thing to you that I did not intend to do yet. It is very uneasy to your poor unfortunate, faithful Morley to think that she has so very little in her power to show how truly sensible I am of all my lord Marlborough's kindness, especially at a time when he deserves all that a rich crown could give. But since there is nothing else at this time, I hope you will give me leave as soon as he comes to make him a duke. I know my dear Mrs Freeman does not care for anything of that kind nor am I satisfied with it, because it does not enough express the value I have for Mr Freeman, nor nothing ever can how passionately I am yours, my dear Mrs Freeman.

In after-years Sarah described her feelings on receiving this gracious, charming letter—every sentence poised to enhance the gift—the like of which the highest in the land might covet in vain.

> When I read the letter first . . . I let it drop out of my hand and was for some minutes like one that had received the news of a death of one of her dear friends. . . . I was so easy for [indifferent to] anything of that kind, having before [already] all that was any use, by which it is plain I have no great taste for grandeur.

This might pass for affectation if it were not confirmed by facts. It is evident that she wrote at once to her husband urging him to refuse the dukedom. Her letter does not exist, but we can easily reconstruct her arguments from his reply. He, on the contrary, was greatly pleased.

John to Sarah

The Hague
November 15

You know I am very ill at compliments but I have a heart full of gratitude; therefore pray say all you can to the Queen for her extraordinary goodness to me. As you have let me have your thoughts as to the dukedom you shall have mine in short, . . . but be assured I shall have a mind to nothing but as it may be easy to you. I do agree with you that we ought not to wish for a greater title till we have a better estate. Your other objection is also very just that this promotion may bring great solicitations upon the Queen which I am sure I would not give occasion for. The Queen's goodness in being desirous

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to establish my family answers the first, since that may be done this winter; for I agree with you that it should be done before the title.

As for Sarah's point, which Marlborough repeated,

that I should make a worse figure in England by being a duke than as I am till I had the estate for it, he [Heinsius] said the Queen's kindness was such that I need not doubt a fortune, and that whatever was done at this time for my fortune as well as the title would be quite without envy since all the people were pleased with what I had done.

Weighing the matter dispassionately, he ended by deciding that it was his duty to comply with the Queen's desires and his own.

The new Parliament met on October 20, and the Lords congratulated the Queen. The Commons added that "the vigorous support of Your Majesty's Allies and the wonderful progress of Your Majesty's arms under the conduct of the Earl of Marlborough have signally retrieved the ancient honour and glory of the English nation." This affront to the memory of King William was intended by the Tories to irritate the Whigs, and for this purpose was well devised. Accordingly the House divided on the word "retrieved," "all who had any favour at Court, or hoped for any, voting for it." Only eighty Whigs could be mustered against the Tory majority. A solemn thanksgiving was appointed; and on November 12 the Queen, with Sarah at her side, and attended by both Houses of Parliament, proceeded in state to St Paul's amid the tumultuous acclamations of the London crowds.

A Government is naturally shy of proposing a grant of money to its leading member, who must, however indirectly, be involved in the advice given to the sovereign. Godolphin's letters to Harley tell the tale in modern times. On December 9 the Treasurer writes to the Speaker that Marlborough, having been given a grant by the Queen for the support of his dukedom during her life, had been encouraged by his friends "to think it will not be difficult at this time to get this latter grant confirmed by Act of Parliament to him and the heirs of his body." It seemed that the Government was agreed and the House agreeable. The Queen sent her message to the Commons, announcing that she had granted the Duke of Marlborough and his heirs a pension of £5000 a year upon the revenues of the Post Office for the support of his title during her lifetime.

But here immediately began animated and unpleasant debates. Per-

manent alienations of the public revenue to individuals had long been one of the best targets of Tory attack. How bitterly had they inveighed against King William's grants to his Dutch favourites! Upon all the hustings of the recent elections they had denounced such practices. Must the new Parliament begin its life by so incongruous an act? The Tory veteran, Musgrave, Clerk of the Ordnance, Marlborough's direct subordinate, from whom he had had "great professions," dwelt in a sour-sweet speech upon the pay and allowances the Captain-General was already receiving from British and Dutch sources. These certainly amounted to £60,000 a year, and little imagination is required to understand the feelings which were excited among much poorer people.

Godolphin asked the Speaker for his "direction and help in what is fit to be done." Evidently the next day these two Parliamentarians had a long talk. It was certain that the Commons would not agree to the permanent grant, and the only question was how to withdraw the proposal without humiliating Marlborough, with whom all were so pleased, or distressing the Queen, to whom all were so loyal.

Marlborough was both vexed and surprised at the position into which he had too easily allowed himself to be drawn. He agreed with Godolphin and Harley that "the chief thing is to avoid a division in the House because the consequence of that will be . . . that men will look upon themselves to be listed." This would have involved a disastrous crystallization. He therefore urged the Queen to "forgo her message on his behalf, since it might embarrass her affairs and be of ill consequence to the public." On December 15, therefore, the Queen informed the Commons that the Duke of Marlborough had declined her Message to them. She was deeply offended by the rebuff, and not at all inclined to forget it.

Marlborough had only accepted the dukedom in the belief that provision would be made for its maintenance. His emoluments as Commander-in-Chief might be swept away at any time by a cannon-ball, or by loss of favour or a demise of the Crown. The idea of a poor duke seemed ridiculous and unnatural to that age. It was one of the main objects of his life to found a family whose wealth and magnificence would long survive him down the generations. Nor did this seem a vain desire in a society where rank and property were so deeply ingrained and seemed secure and permanent.

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of Chichester, guided him in religion, morals, and learning. "Notwithstanding his high birth, splendid prospects, and courtly education," observes Archdeacon Coxe ingenuously, "he set an example of affability, regularity, and steadiness, above his years." Life began early in those days, and this handsome, eager youth wanted, of course, to go with his father to the wars. Bred in a martial atmosphere, he was thrilled by camps and soldiers, and especially by reviews and processions. His father would have liked to have him with him at the front; but his mother thought he was too young. In those days an officer on the staff of the Commander-in-Chief must be frequently under fire, and might be required at any moment to ride with a message into the hottest of the fighting. Sarah could not bring herself to let him go so young—while still a child. Let him stay one more year at Cambridge and finish his studies. Thus was it settled. But Death knows where to keep his appointments.

During the autumn of 1702 Lord Blandford (Marlborough's son) often came over from Cambridge to stay with Lord Godolphin close by at Newmarket, and apparently made the best impression upon the Treasurer. There was smallpox in the town, but Godolphin thought that he, "going into no house but mine, will I hope be more defended from it by air and riding, without any violent exercise, than he could possibly be anywhere else." Meanwhile the boy was making plans of his own to join the Army, and with a friend was intriguing for commissions in a cavalry regiment.

It was at the end of his long visit to Godolphin that the infection fell upon him. He had scarcely returned to Cambridge in February when he was struck down by virulent smallpox. Sarah was there as fast as horses could bear her, nursing him herself and invoking all that the medical knowledge of those days could do. The Queen hurried her own physicians into the royal coach and sent them posting to Cambridge. It was less than three years since the same scourge had carried off her own child. She wrote to Sarah:

Thursday morning

I writ two words to my dear Mrs Freeman yesterday, and could not help telling her again that I am truly afflicted for the melancholy account that is come again this morning of poor dear Lord Blandford. I pray God grant he may do well, and support you. And give me leave

once more to beg you for Christ Jesus' sake to have a care of your dear precious self, and believe me with all the passion imaginable your poor unfortunate faithful Morley.

"I wish," she added in another letter, "that the messenger who carries the medicines which my dear Mrs Freeman sends for could fly, that nothing may be wanting the moment there is any occasion."

Till all hope was abandoned John was kept away. He wrote to Sarah:

Thursday night

I wrote to you this morning, and was in hopes I should have heard again before this time, for I hope the doctors were with you early this morning. If we must be so unhappy as to lose this poor child, I pray God to enable us both to behave ourselves with that resignation which we ought to do. If this uneasiness which I now lie under should last long, I think I could not live. For God's sake, if there be any hope of recovery, let me know it.

Shortly after writing these words he received his summons and, hurrying to Cambridge, arrived as his son expired. On the morning of Saturday, February 20, John and Sarah crept off to Holywell to endure their pangs. The Queen wrote:

St James's
Tuesday night

It would have been a great satisfaction to your poor unfortunate faithful Morley, if you would have given me leave to come to St Albans, for the unfortunate ought to come to the unfortunate. But since you will not have me, I must content myself as well as I can, till I have the happiness of seeing you here. I know nothing worth writing; but if I did, I should not trouble you with it, being sure no sort of news can be agreeable to your dear, heavy heart. God Almighty bless and comfort my dear Mrs Freeman, and be assured I will live and die sincerely yours.

This blow not only cut at the natural feelings of John and Sarah, but seemed to ruin their future. Both were dynasts. To gather wealth and fame and found a family to run on down the ages was their dear—indeed, their over-dear—ambition. Now it was ended. The Duke had to make a fresh will, leaving his already large properties to Sarah in trust for his eldest daughter's husband, Mr Godolphin, to whom he desired that his titles should pass. But he was already overdue at the

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Amid these various tensions Marlborough remained serene, calm, patient, efficient, and good humoured as ever. His repose and conviction were imperturbable. His letters to Sarah show his care of his troops, his poise, and his resolve.

Giengen
June 29

Since my last, I have had the happiness of receiving yours of the 30th of the last month, and the 1st and 2nd of this. It is not only by yours, but by others that I find that there are several people, who would be glad of my not having success in this undertaking. I am very confident, without flattering myself, that it is the only thing that was capable of saving us from ruin, so that whatever the success may be, I shall have the inward satisfaction to know that I have done all that was in my power, and that none can be angry with me for the undertaking, but such as wish ill to their country and their religion, and with such I am not desirous of their friendship.

You will easily believe that I act with all my heart and soul, since good success will in all likelihood give me the happiness of ending my days with you. The Queen's allowing you to say something from her is very obliging. I shall endeavour to deserve it; for I serve her with all my heart, and I am very confident she will always have the prayers and good wishes of this country.

Meanwhile the allied army waited at Giengen, opposite the entrenched camp and at an equal distance from Ulm and Donauwörth. Thus the enemy was still left in doubt where they meant to strike. After the argument of the 27th the Margrave resisted no further, and resigned himself to an attack on Donauwörth with united forces. Marlborough waited at Giengen till Churchill came in with all his infantry and cannon, and had a good day's rest. On June 30 the whole army was moved eastward downstream, parallel to the Danube, to Balmershofen, within four miles of the Lauingen-Dillingen lines. The march was resumed the next morning. Marlborough taking sixty squadrons as flank guard. Though the cavalry rode as close as possible to the enemy's works, the defenders lay low, and not a shot was fired. The allies camped near Amerdingen, fifteen miles from Donauwörth. Marlborough sent out a reconnaissance of four hundred horse with officers of high rank to view the Schellenberg and learn what was happening there. With this went the quartermasters of the army with orders to

choose a camp behind the Wernitz stream about four miles from Donauwörth, and also to report on the roads, bridges, and tracks. The officers reported strong enemy camps on the Schellenberg, and that the troops were working hard on their entrenchments. During the afternoon various peasants and deserters came to Marlborough's tent and were carefully examined.

The Elector had felt bound to delay the reinforcement of the garrison of Donauwörth until he could learn clearly the intention of his more numerous opponents. But as soon as he saw the continuous procession of the allied army across his front during the 30th he sent Comte d'Arco with fourteen thousand men to defend Donauwörth and complete the fortification of the Schellenberg. He had no reason to suppose that Donauwörth could be attacked before the morning of the 3rd. His enemies had still two fifteen mile marches to make, and even their advance guard could hardly reach their objective before the evening of the 2nd. They would certainly not attack so late in the day and with wearied troops, and by the 3rd d'Arco should be strongly entrenched. In spite of having delayed so long to fortify the Schellenberg, the Elector had good reason to hope for success.

During the afternoon of the 1st Marlborough issued orders which could only portend action the next day. One hundred and thirty men were to be drawn from every battalion of his own army to form a special force nearly six thousand strong of what would now be called 'storm troops.' When darkness fell and while all this was going on, Marlborough visited the Margrave. There is no record of the details of their interview, but it is certain that he procured the agreement of his colleague, for we know that at 10 P.M. an officer was sent to Nördlingen with a letter from the Margrave to the local authorities to collect surgeons and prepare for the reception of a large number of wounded. Moreover, three battalions of Imperial Grenadiers were added by the Margrave to Marlborough's 'storm troops,' evidently to make it plain that the two commanders were united. The special force of infantry with 35 squadrons and strong parties of pioneers for road- and bridge-making were ordered to march at 3 A.M. under Marlborough's personal command. A forlorn hope of eighty volunteers led by Lord Mordaunt, Peterborough's son (one of the suitors of Lady Mary), was formed to head the assault. The rest of the army was to follow with the Margrave at daylight.

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Dutch armies on the Flanders front. Moreover, he should not be hampered in any way by Deputies or generals. If he, their Deputy Captain-General, would stay to guard the Dutch homeland, he should be master in the field, and he might send this further substantial aid to his comrade Eugene. Marlborough closed with this. Assuredly the Dutch kept their word. Slangenberg smouldered in sullen obscurity. Three new field Deputies were appointed with instructions to obey the Duke and with no prohibitions against fighting a battle, which however seemed most unlikely.

It was with melancholy thoughts that Marlborough began his most brilliant campaign. "I cross the sea," he wrote to Wratislaw, "with sufficiently sad reflections." "The little concern of the King of Denmark and almost all the other princes give me so dismal thoughts that I almost despair of success." These expressions can be multiplied. But this was his dangerous mood. Just as he had written before starting upon the Blenheim march that he saw no prospect of doing any good that year, so now he was in the deepest gloom. It was not the abysmal despair into which he was plunged in the two or three days before Oudenarde, but it was black as night. Yet he had his consolations and his poise remained perfect. There is a letter of his which we like as much as any he wrote to his wife.

John to Sarah

May 4[/15], 1706

"I am very uneasy when Your letters do not come regularly, for without flatterie my greatest suport are the thoughts I have of your kindness; hether too I really have not had tim to write to my Children, but when I do, be assur'd that I shal let them know my heart and soul, as to their living dutyfully, and kindly with You, and let mee beg for my sake of my dear Soull, that she will passe by litle faults and consider thay are very Young, and that thay cant do other then love you withal their hearts, for when thay consider how good a Mother You have been to them, thay must bee barbarians if thay did not make a kind return; You will see by my letters to Lord Treasurer that *in all likelywhode I shal make the whole Campagne in this country, and consequently not such a one as will please mee, but as I infinitely vallu Your estime, for without that You cant love me, let mee say for my self, that there is some merit, in doing rather what is good*

for the publick, then in prefering ons private satisfaction and Intirest, for by my being here in a condition of doing nothing that shal make a noise, has made me able to send ten thousand men to Italie, and to leave Nyntien thousand men on the Rhin til the Mareshal de Marsin shal bring back his detachement to this country; the ffrench are very possitive that thay must succed at Barcelone but I trust in God our ffleet will relcive it, and then we may end this Campagne so as that the ffrench may have nothing to brag off, for I flatter my self that the ten thousand men we are sending to Pr. Eugene will put him in a condition of acting offensively; for Germany I expect nothing but ill news, and for this country I do not doubt but You will be so kind as to belcive if I have an opertunity I will do my best; the decent [descent] is what I have also a great opinion off.

This is the most splendid period in Marlborough's career. Every personal need urged that he should win a battle for himself. At home the wolves, though temporarily baffled, were always growling. Already Sarah was losing her influence with the Queen: already her contacts were becoming a hindrance, not a help. His dream of another epic march across Europe and an Italian "Hochstadt" won side by side with the man he loved had faded. But there still remained the duty of a soldier and the dominating responsibility of the working Head of the Alliance. Not without pangs, but certainly without the slightest hesitation, Marlborough divested himself of troops which would have secured him a large superiority in the Low Countries and the chance of some deed "that shall make a noise." We know of no similar instance in military history where a general-in-chief, thus pressed, has deliberately confined himself to a secondary rôle while furnishing colleagues, who were also rivals, with the means of action.

The Captain-General quitted the endless discussions at The Hague and set out in his coach for Headquarters on May 9.

The mental processes of a general should lead him first to put himself faithfully in the position of his enemy, and to credit that enemy with the readiness to do what he himself would most dread. In the next stage idiosyncrasies of the hostile commander, the temper and quality of his troops, and the political background come into play. But these are secondary. The safe course is to assume that the enemy will do his worst—*i.e.*, what is most unwelcome. With that provided against, lesser evils can be resisted. Marlborough, surveying the campaign of

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experienced when they were schoolgirls half a century ago. We all reshape our memories; yet at times memory has a quality that separates it from our selves, and what we wish to serve as simply as we can is truth. And Aldous too, for his part, only knew his mother as a schoolboy.

> We all loved Mrs Huxley and thought her word was law, none of us were ever in the least afraid of her. I never heard a joke made at her expense, or her authority even questioned let alone disregarded.[1]
>
> One saw her every day. Either she spoke in the morning after breakfast, or she read aloud to us in the evening . . . She read [poetry] without stressing the sense: she let the rhyming wave by itself . . in her silvery even voice the words had their head.[2]

When Victoire Fairtlough lost her grandmother she

> was deeply grieved. Mrs Huxley somehow knew this and as I was sitting at my desk scanning an examination paper I felt a comforting arm round my shoulders, "You will do your best, Victoire, won't you?" . . . .

And Barbara Hiles lamed at hockey. "Mrs Huxley sent for me and offered to send me home.

> I ran across the room to her and said, "Please, please, don't send me home." She was touched and asked if I was unhappy at home? I said I was very happy at home but I am much happier here.
>
> . . In the little room on the right of the front door as you came in she talked to me—I was twelve. I never knew before that grown-up women *could* speak to children like that—so fair, so reasonable. How grateful one was![3]

What had happened was this: Enid Bagnold in nights of full moon and spring flowers climbed out over the roof down the lavatory pipes to sleep in the woods among the bluebells. Once she was seen by the cook, another time she was caught by Mrs Huxley's sister, Mrs Humphry Ward. In the headmistress's study,

> I wasn't scolded, hardly rebuked. Mrs Huxley seems to blush a little before explaining—one had to run a school, one was responsible for all of you to your parents—I didn't argue, though she would have let me . . . I was a child and she was soon to die, but the gap was bridged.[4]

Mrs Huxley tried to transfer to us her great knowledge of literature and the arts, sometimes at the expense of the more basic subjects,

[1] Victoire Fairtlough. [2] Enid Bagnold, *Autobiography*.
[3] Enid Bagnold, talking to S. B.
[4] Enid Bagnold, *Autobiography*, and letter to S. B.

illustrated by the fact that most of us failed in arithmetic in the Lower Certificate exam.

And yet as a headmistress she was outstanding. She did not give the impression of a strong personality but of someone with great inner reserves, integrity & a refreshing lack of sentimentality. There was a strain of austerity & reticence about her which could raise a barrier between herself and a shy schoolgirl. Many would not agree with this. Personally, I felt her rather remote.[1]

"Remote?" in the view of another Prior's Field pupil,[2] "Perhaps a being of another order. She was extraordinary. Not at all the headmistress. Yet how good the school was! Her atmosphere, her influence have *lasted all one's life*. Thinking of her, one did not want to tell a lie." And now to that ever puzzling question of Arnold religiosity in the context of Huxleyan agnosticism. "I feel sure that she had a very deep faith, but perhaps no conventional religion."[2]

All her children had been baptized in the Church of England. Here she and Leonard had followed his father's precept and example.

> As to the question[3] whether children should be brought up in entire disregard to the beliefs rejected by himself, but still current among the mass of his fellow-countrymen, he was of the opinion that they ought to know "the mythology of their time and country", otherwise one would at the best tend to make young prigs out of them; but as they grew up, their questions should be answered frankly.

So much for principle. As for practice,

> . . My wife will have the youngsters christened, although I am always in a bad temper from the time it is talked about until the ceremony is over. . . .[4]

It was at Prior's Field, in that home, that atmosphere, that Aldous spent the first nine years of his life. We know more about his elders—naturally—than we know about the child himself. The handful of letters extant might have been written by any

1 Miss Helen Witt.
2 Nadine Noble, the present Mrs Lambert, talking to S. B.
3 Leonard Huxley, *Life and Letters of Thomas Henry Huxley*, Vol. II. Macmillan & Co., 1900.
4 Thomas Henry Huxley in a letter to Hooker of 3rd January 1861, op. cit. Vol. I.

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Old, containing exactly that.) There was a small over-all deficit in royalties against the annual advances, amounting to £76.9.5d. Chattos now proposed a new agreement on the same lines and Aldous signed it on 7th June. It was again for three years and two books per annum "one of which at least a full-length novel", and "possibly three other books during the said three years". Royalties on fiction were increased to an initial 20% up to 8,000 copies, and remained at 25% thereafter. The advance, Aldous's main fixed income, was increased from £500 a year to £650.

In August Aldous went to join his family at St Trond. He found Matthew "very well and in uproarious spirits", eating copiously; yet a longish stay in a high, dry climate was still indicated. They decided to try Cortina d'Ampezzo in the Dolomites, a resort at seven thousand feet with a reputation for winter sun. By September the Huxleys were installed in a nice warm house with long balconies and the right exposures, a small house simply and comfortably furnished (the rent, Aldous noted with satisfaction, was under £9 per month). Maria loathed the mountains and the cold however dry and sunny, and the lack of friends. Aldous chiefly looked at it as a good place to work in, and Matthew, the object of the exercise, was getting more robust. Old Bella had been replaced by a highly trained young governess, Mademoiselle La Porte, whom Aldous and Maria found a charming person, intelligent and a treasure. Fortunately, Matthew also liked her and was learning quickly.

They "existed in tolerable contentment". Julian and Juliette briefly appeared on their way from a journey in the Balkans (Aldous regretting not having had the time to go with them); *Jesting Pilate* came out in England ("... an elegant chaos"); Aldous was immersed in "the first bits and pieces of an ambitious novel".

In October, brief escape to Florence. Aldous got a tiresome tooth infection and had to see his dentist. It was there that Aldous and D. H. Lawrence met again, eleven years after their first, single meeting during the war in Hampstead.[1]

Lawrence and Frieda had returned to Europe the autumn before from their years of wandering, from Ceylon, Australia, Mexico and the ranch at Taos, from his long experience of search and flight. He was already a very ill man, struggling to keep alive. "Last year I nearly fell into the Styx," he had written to

[1] In point of fact, they had met once again very briefly in the intervening years, at a London party probably in the winter of 1923-24.

Middleton Murry, ". . all I want is to live and be well alive, not constrainedly half dead."[1] *The Plumed Serpent* had come out nine months before, Lawrence was writing *Lady Chatterley's Lover*; he and Frieda were wintering at the Villa Mirenda at Scandici. The Florentine encounter was the starting point of the friendship between Lawrence, Aldous and Maria; it flowered almost at once. (It had only three and a half years to run.)

What got Aldous was Lawrence's *extraordinariness*, his difference in kind; a quality he looked for and accepted with humility and joy. ("I like him so much.") Lawrence confronted with Aldous on his own might have bristled. At Aldous's reticences, his good manners, his incisiveness of word—though that was undercut by gentleness of being—by Aldous's intellect and all that it entailed. As it turned out, the Huxleys were among the very few people with whom Lawrence did not at one time or another have a quarrel. Between him and Maria there was a straight intuitive affinity: they got on right away. Maria loved him; Lawrence, in Aldous's words, "was very fond of her". As well they had much fun. The four of them; as there was of course Frieda. She could irritate Aldous (" . . . being with her makes me believe that Buddha was right when he numbered stupidity among the deadly sins.") Much later, when Frieda was all that was left, they became very fond of her. This and much else was in the future: in point of time the meeting in Florence was short; a couple of walks, a picnic (at Vernon Lee's whose conversation Aldous admired), a meal or two at a trattoria. Traces are in letters.

> . . Aldous Huxley just telegraphed, asking us to lunch Friday . . . Aldous Huxley, a writer and his wife came for the day, in their fine new car . . . Maria driving.[2]
>
> . . Aldous Huxley was here on Friday; how he loathed India! I think it frightened him with a sense of squalor.[3]
>
> . . I have started painting, quite seriously, on my own. Maria Huxley . . . brought me some canvases that her brother [*sic*] had daubed on . . . Maria looks like a *very* small edition of Ottoline: like Ottoline's Cinderella daughter—same peculiar long cheeks, and rather nice eyes. I liked her, too. . . .
>
> The Huxleys seemed very bored. They are living pro-tem up in Cortina, North of Venice, in the higher mountains, because their child is supposed to have a lung. And they are very lonely—nobody

[1] D. H. L's Letters, 1932 edition.
[2] D. H. L. to Dorothy Brett, 18th October 1926, from *The Letters of D. H. Lawrence*, 1962 edition.
[3] D. H. L. to Earl and Achsah Brewster, 23th October 1926, from *D. H. Lawrence Reminiscences and Correspondence*, by Earl and Achsah Brewster, Martin Secker, 1934.

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	mother injured by an accident in Mexico City
April	Death of Lady Ottoline Morrell
April/July	Aldous at work on a long novel (abandoned)
July	Move into house on North Linden Drive, Beverly Hills
August/September	Aldous works for Metro-Goldwyn-Mayer on a script of Madame Curie
September/October	House move in mid-Munich crisis to North Crescent Heights Boulevard, Hollywood. Matthew off to University of Colorado
October	Aldous decides to write a short phantasy with a Californian locale (*After Many a Summer Dies the Swan*)
November	Approximate beginning of Aldous's attempt to improve his sight by the Bates Method. Intensive training with a Bates Teacher. Aldous temporarily forbidden to read or write. Some improvement of sight noted by Maria
1939	
January/February	At North Crescent Heights Boulevard, Hollywood
January	Further improvement in Aldous's sight. Allowed to read and write again.
February	Working on *After Many a Summer Dies the Swan*
April	Aldous and Maria move to a furnished house, 701 Amalfi Drive, Pacific Palisades (until February 1942)
May	Maria reports very definite improvement in Aldous's sight. Aldous does all his reading and writing without spectacles
June or July	First meeting with Christopher Isherwood
25th July	*After Many a Summer Dies the Swan* finished
26th July	Aldous's 45th birthday
July	Aldous describes his Bates training and precisely assesses his present sight in a letter to Julian
August	Aldous undertakes an adaptation of *Pride and Prejudice* for Metro-Goldwyn-Mayer
3rd September	England at war with Germany

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CHAPTER XVI

The Second Interlude

I love those most whom I loved first.

Jefferson to his sister, Mary Jefferson Bolling, July 23, 1787 [1]

When Abigail Adams on June 26, 1787, met the sea captain who had brought Jefferson's eight-year-old Polly across the Atlantic, she discovered with consternation that the slave accompanying the child was not a middle-aged woman, as she had expected, but an adolescent girl of considerable beauty. Sally Hemings, known at Monticello as "Dashing Sally," was described by one slave who knew her as "mighty near white," "very handsome," with "long straight hair down her back" [2] Jefferson's eldest grandson, who could have known her only as a middle-aged and old woman, told Henry Randall she was "light colored and decidedly good looking." [3] Jefferson had asked Francis Eppes to send Polly in care of a responsible friend, with "a careful negro woman, Isabel, for instance, if she has had the small pox." She need not, he said, "come farther than Havre, l'Orient, Nantes, or whatever port she should land at, because I could go there for the child myself, and the person could return to Virginia directly." [4]

Francis and Elizabeth Eppes, who had fought with pleas and procrastination against Polly's going, who had even encouraged their fourteen-year-old son Jack (whom Polly later married) to write telling Jefferson that she would not come without being forced,[5] had capitulated in the spring of 1787, arranging to put her on a British vessel sailing from Norfolk to London in the care of the captain, John Ramsay. But since the slave woman Jefferson had specified was about to "lie in," Polly's kin, instead of finding a substitute of similar age

who had had the smallpox, sent the fourteen-year-old quadroon—or "quarteron," as Jefferson would have called her—who had not.[6] Francis Eppes had written, "Isabel or Sally will come with her"; Jefferson did not have to be told who "Sally" was.

The child carried a letter written by her aunt:

> This will, I hope, be handed you by my dear Polly, who I most ardently wish may reach you in the health she is in at present. I shall be truly wretched till I hear of her being safely landed with you. The children will spend a day or two on board the ship with her, which I hope will reconcile her to it. For God's sake give us the earliest intelligence of her arrival.[7]

Polly, who had become almost hysterical whenever separation from her aunt was mentioned,[8] had been lured aboard the ship with her cousins. Once she fell asleep they left the ship, which was quietly cut loose from its moorings, and she awoke to find herself on the Atlantic. There was no one to comfort her but Sally Hemings, who had doubtless taken part in the deception, and who could not have been easily forgiven save that she, too, faced the perils of the voyage ahead. As it turned out, the five weeks had been more of a romp than an ordeal. There were no other females on the ship; they must certainly have been treated like special pets, for Polly came to adore the captain. She clung desperately to him upon arrival and had to be decoyed away in order to effect a separation.[9]

During Polly's first two days in London Abigail Adams was in despair, finding the child alternately in tears and acting "rough as a little sailor." When promised a visit to Sadler's Wells for entertainment, Polly had replied with what Abigail described as an honest simplicity, "I had rather see Captain Ramsay one moment, than all the fun in the world."[10] With Sally Hemings Abigail was even more dismayed. She described her to Jefferson as "a Girl about 15 or 16 . . . the Sister of the Servant you have with you." She is "quite a child," Abigail wrote bluntly, "and Captain Ramsay is of opinion will be of so little Service that he had better carry her back with him. But of this you will be a judge. She seems fond of the child and appears good natur'd."[11] It takes no special imagination to see why, for quite different reasons, Abigail Adams and the captain agreed it would be wise if Sally Hemings went back to America.

Both John and Abigail Adams fully expected Jefferson to come to London for his daughter, who quickly became an adored favorite. "Her temper, her disposition, her sensibility are all formed to delight," Abigail wrote. "I never felt so attached to a child in my Life or so short an acquaintance."[12] But Jefferson sent his French servant Petit

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instead, pleading the pressures of business.[13] A better reason was that he was daily expecting the arrival of Maria Cosway. Actually her departure had been delayed, though Jefferson did not yet know this. So he did not suggest that she meet his daughter in London. Nor did he, in fact, make any effort for her to become acquainted with the Adams family. This stung Maria. After writing to Jefferson on July 9 that her husband doubted if they could come to Paris at all, she continued delicately: "I am sorry I have not had occasion to see your daughter who they say is presently here. I do not know Mrs. Adams, and I flatter myself that if you had believed that I might have been useful to her in any way at all, you would have gratified my desire to show you on every occasion how grateful I am for your friendship."[14] But by the time Jefferson received her letter it was too late. Petit had arrived in London July 5.

Polly was indignant, as were the Adamses, that her father had not come to fetch her himself. Abigail described it tartly:

> Upon Petit's arrival [Polly] was thrown into all her former distresses, and bursting into Tears, told me it would be as hard to leave me as it was her Aunt Epps. She has been so often deceived that she will not quit me a moment least she should be carried away. Though she says she does not remember you, yet she has been taught to consider you with affection and fondness, and depended upon your coming for her. She told me this morning, that as she had left all her Friends in virginia to come over the ocean to see you, she did think you would have taken the pains to come here for her, and not have sent a man whom she cannot understand. I express her own words. . . .
>
> I have not the Heart to force her into a Carriage against her will and send her from me almost in a Frenzy, as I know will be the case, unless I can reconcile her to the thoughts of going and I have given her my word that Petit shall stay untill I can hear again from you.

Even John Adams wrote reproachfully, "I am extreamly sorry, that you could not come for your Daughter in Person."[15]

Three weeks after coming to London, Polly was persuaded to get into a carriage with Petit and Sally Hemings, and they started off for the Channel voyage. Jefferson had not seen his daughter since she was five; she was now nearly nine. She "had totally forgotten her sister," he wrote to Abigail Adams after their meeting, "but thought, on seeing me, that she had recollected something of me." Yet he wrote to Elizabeth Eppes, "She neither knew us, nor should we have known her had we met her unexpectedly."[16]

Jefferson did not mention Sally Hemings in any of the letters to his kin that have been preserved,[17] but the arrival of his daughter and the

half sister of his dead wife brought back a flood of nostalgia for Monticello. Polly was small boned, fragile, and beautiful—as the slave Isaac said later, "low like her mother and lougways the handsomest, pretty lady jist like her mother." [18] If Jefferson had regarded Sally in her childhood with any special curiosity one cannot know, though his affection for the whole Hemings family was well known. If it was true, as the slaves said, that Sally had been one of those who heard Jefferson promise his wife on her deathbed that he would never marry again, this memory may have come surging back to both of them on their meeting in Paris. Sally, though only fourteen, was now almost as mature in person as Jefferson's fifteen-year-old Patsy; Abigail Adams had mistaken her age as fifteen or sixteen. If she resembled Martha Wayles in any fashion, there is no record of it. But certainly she brought with her to Paris the fresh, untainted aura of Jefferson's past, the whole untrammeled childhood, the memories of quantities of slave children, the easy, apparently relaxed and guiltless miscegenation of his father-in-law, the many-faceted realities of black and white in Virginia.

Importantly, Sally could bridge the memory gap where Polly could not, bringing news of all of Jefferson's kin, descriptions of what had happened in the slave families, details of the trees and flowers at Monticello, all the small and private happenings that Jefferson hungered for. He wrote back shortly to Nicholas Lewis in Virginia asking for an ear of "small rare white corn" from Monticello, better than what he was cultivating in his Paris garden, also watermelon, cantaloupe, and sweet potato seeds, and a dozen Virginia hams.[19] A few days after Polly's arrival he wrote of her safecoming to his older sister Mary, after whom Polly had been named. "We often write seldomest to those whom we love the most. The distance to which I am removed has given a new value to all I valued before in my own country, and the day of my return will be the happiest I expect to see in this life. . . . I find as I grow older that I love those most whom I loved first." [20] Since this was the only letter he wrote to his sister in five years in Paris, it seems likely that the tender sentiment may not have been directed to her at all.

To his old physician friend, Dr. Gilmer, he now wrote of going home: "I am happy no where else and in no other society, and all my wishes end, where I hope my days will end, at Monticello. Too many scenes of happiness mingle themselves with all the recollections of my native woods and feilds, to suffer them to be supplanted in my affection by any other. I consider myself to be as a traveller only, and not a resident." [21]

Sally Hemings' arrival brought, too, a sudden urgency about the

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fate of his own slaves. Before her coming, save for the presence of her brother James, he had little personal reminder of the festering problem he had left behind. But his numerous attempts as minister to free white American sailors captured and enslaved by Barbary pirates had served as an insistent reminder that his own countrymen and he himself were no less guilty than the marauders of North Africa. To Edward Rutledge, who had written him that Virginia had suspended the slave trade, he wrote in congratulation, adding, "This abomination must have an end, and there is a superior bench reserved in heaven for those who hasten it." [22] This was written the day before Sally Hemings arrived with Polly in Paris.

Her coming coincided with news from his brother-in-law that he was £1,200 more in debt than he had thought, and he was faced with the decision whether to sell land, or slaves, or to rent out his slaves for a fee. He decided on the last as the least of the three evils, though with a fearfully troubled conscience, knowing that rented slaves were often abused. He asked Eppes to make sure that the rental contract provided that the death of a slave would not mean a diminution in the rent. "Otherwise," he said, "it would be their interest to kill all the old and infirm by hard usage." He continued:

> I am decided against selling my lands. They are the only sure provision for my children, and I have sold too much of them already. I am also unwilling to sell negroes, if the debts can be paid without. This unwillingness is for their sake, not my own; because my debts once cleared off I shall try some plan of making their situation happier, determined to content myself with a small portion of their liberty labour.[23]

The curious slip of the pen in the last line, where he wrote "liberty" where he meant "labor," is further evidence of his real ambivalence over his continuing ownership in men and women. He described his decision to rent out his slaves "as a man does that of being cut for the stone, with a view to relief." [24] Later he wrote that Great George, Ursula, and Betty Hemings were not to be hired out at all, nor the Hemings youths, Martin and Bob, "otherwise than as they are now." [25] Jefferson had sent word indirectly to Betty Hemings in February 1786 about her son—"James is well. He has forgot how to speak English, and has not learnt to speak French"—this in a letter to his Monticello gardener.[26] Betty had sent back her "compliments" to her son, also through the gardener, for she had apparently never learned to write. She sent also the sad news that her daughter Lucy had died.[27] If Jefferson replied with a personal note of sympathy about the death of still another Lucy, it was in a letter that has since disappeared. Perhaps

the news brought back so much pain with the memory of his own Lucy's death that the thought never occurred to him at all.

Exactly when in the late summer of 1787 Jefferson learned that Maria Cosway would come to Paris without her husband is not certain. That he had troubled feelings about the prospect is suggested in a letter of fatherly advice he wrote to his nephew Peter Carr on August 10. Here he wrote of "the moral sense, or conscience" as being "as much a part of a man as his leg or arm." His advice to Peter—to be grateful, generous, charitable, humane, true, just, firm, orderly, and courageous—did not include the specific injunction to be chaste, though he did write, "Health is the first requisite after morality." But in his observations about the value of traveling he wrote out of his own recent experience: "This makes men wiser, but less happy. When men of sober age travel, they gather knowledge which they may apply usefully for their country, but they are subject ever after to recollections mixed with regret, their affections are weakened by being extended over more objects, and they learn new habits which cannot be gratified when they return home." [28]

Jefferson shortly had an object lesson in the disparity between the French and American sexual and social codes, which could only have served to reinforce his realization that to escort Maria Cosway about Paris was one thing, and to travel about with her in America without her husband quite another. The new French minister to the United States, the Comte de Moustier, had embarked for the New World with the beautiful Madame de Brehan, who was his sister-in-law and also his mistress. Jefferson had written warm letters of introduction on her behalf to both Madison and John Jay, describing her as "goodness itself," as "modest and amiable," adding that her husband, as an officer, was "obliged by the times to remain with the army." [29] He was shortly chilled and saddened to learn that Americans treated the couple frostily. Madison wrote stiffly that Moustier "suffers also from his illicit connection with Madame de Brehan which is universally known and offensive to American manners. . . . On their journeys it is said they often neglect the most obvious precautions for veiling their intimacy." [30]

When Mrs. Cosway arrived on August 28, 1787, apprehensive of both her husband's rage and the censure of her priest, she moved into the villa of the Princess Lubomirski, who lived a considerable distance from Jefferson's Hôtel de Langeac. The Princess, who was a cousin of the King of Poland, kept a fashionable salon; word went out that Maria was in Paris to further her painting career, and she was soon seen with an entourage visiting galleries and holding a court of her

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own, "like the fair Aspasia of old."[21] On the surface it was all very discreet.

After her return to London in December Jefferson complained that he had seen her far too little, only "by scraps." "The time before," he wrote, "we were half days, and whole days together."[22] This letter has been enough to convince many Jefferson scholars that whatever may have happened during the first autumn, nothing whatever happened during the second. Nathan Schachner wrote, "It was not quite like the old times. Perhaps the absence of the essential husband compelled them both to be more circumspect." Merrill Peterson believes it was Jefferson's passion that cooled; Fleming that it was Maria's. Malone writes that "they did not recapture their first fine careless rapture, and it looked as though neither of them really wanted to." Jefferson, he contends, "did not embark upon another adventure with her, but he embarked on no romantic adventure with anybody else."[23]

Actually the autumn brought wretchedness instead of either fulfillment or boredom, and they saw a great deal more of each other than has been heretofore recognized. During the first three weeks Maria was in Paris she sent no letters whatever back to London, and Jefferson's account book shows return visits to the parks and gardens of the previous visit, and sums to Petit, who as before arranged for discreet dinners.[24] John Trumbull, Jefferson's ally back in London, wrote him delicately of her husband's rage:

> You of course see Mrs. Cosway. Pray tell her that *three* posts have pass'd in which no one of her friends has received a single line from her, that Lady Lyttleton, Mr. C., her sister and all the world are not only angry at her for not writing, but suffer all the distress of anxiety least illness or accident should have occasioned her silence. I am commissioned to scold her heartily.[25]

Jefferson replied in a cheerful letter, "I showed Mrs. Cosway the part of your letter respecting her, and begged her to consider the scold as hanging over her head till I could get a machine for scolding invented, because it is a business not fit for any human heart, and especially when to be directed on such a subject as her." Still, his anxiety over the spreading gossip crept in a most curious fashion into the first line of this letter, which began, "So many infidelities in the post office are complained of since the rumors of war have arisen that I have waited a safer opportunity of enclosing you a bill of exchange." Here, it would seem, he came very close to saying what was really bothering him—*So many complaints of our infidelities are coming through the post office.*[26]

That Maria was afraid of her husband is evident in her later letters

to Jefferson;[37] she was totally dependent upon Cosway for funds, except for an occasional sale of one of her pictures. Once the secret was out in London that she had taken a lover in Paris, Cosway was certain to be taunted for being a cuckold. As the weeks passed, it became evident that Maria was increasingly unsure of herself in the role of a runaway wife. She was faced with possible loss of income, and must certainly have been racked by fears of pregnancy, to say nothing of God's wrath, for she was a very devout Catholic. The sight of Jefferson's right hand, the fingers still crooked, the muscles noticeably withering,[38] so that he had been forced to give up the violin, must have filled her with horror. Fright over Cosway's reaction did not diminish with passing weeks. Jefferson wrote to Trumbull on November 13, 1787, "Her friends are in continual agitation between the hopes of her stay and the fear of her recall."[39] More and more she behaved with confusion of action to match her confusion of heart. "I left a bad impression in the atmosphier," she apologized later, "I was worse than myself, and realy so bad that Sometimes I hardly knew Myself."[40]

Eleven weeks after her coming Jefferson was thoroughly bewildered. He wrote to Trumbull on November 13, "A fatality has attended my wishes, and her and my endeavors to see one another more since she has been here. From the meer effect of chance, she has happened to be from home several times when I have called her, and I, when she has called on me. I hope for better luck hereafter."[41]

That Maria had in truth begun to put obstacles in the way of their meeting alone is suggested by the first letter Jefferson wrote after her return to London:

> It was not my fault, unless it be a fault to love my friends so dearly as to wish to enjoy their company in the only way it yeilds enjoiment, that is, en petit comité. You make everyone love you. You are sought and surrounded therefore by all. Your mere domestic cortège was so numerous, et si imposante, that one could not approach you quite at their ease. Nor could you so unpremeditately mount into the Phaeton and hie away to the bois de Boulogne, St. Cloud, Marly, St. Germains &c.[42]

That he wanted to be with her alone, and would not be content to be merely one of numerous admirers in her salon, is obvious. That they were actually often alone in Jefferson's home is evident from a cryptic postscript she added to one of her notes to him in Paris, this on December 1, 1787: "I hope Mr. Short will not be out as his usual when I have the pleasure to come to you."[43]

William Short, the discreet secretary, was now surreptitiously courting Rosalie, the very young second wife of the Duc de la Rochefou-

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cauld. Jefferson's daughters were in the convent school every day save Sunday. They had met Mrs. Cosway, and the sensitive and jealous Martha may well have understood the seriousness of her father's affection. Jefferson in early September had rented an apartment in the hermitage of Mont Calvaire, beyond the Bois de Boulogne, where the monks raised grapes, knitted stockings, and maintained apartments for guests who wished to find solitude and meditation. "The sky is clearing, and I shall away to my hermitage," he wrote to Madame de Corny on October 18, 1787,[44] thus giving the impression to his Paris friends that he was the austere hermit his biographers later made him out to be.

That he went to the hermitage is true enough, and he may well have meditated there on the struggle between the continent and incontinent life. But it is possible also that he used the excuse of visiting the hermitage to explain his absences to his friends, and especially his daughters, whenever he had an opportunity for a rendezvous with Maria Cosway somewhere else. That Jefferson saw Mrs. Cosway less rather than more often through the month of November is, however, evident in the note she wrote to him on December 1. Knowing that she must return to London shortly, Jefferson had arranged for dinner with several friends, and Maria had personally invited d'Hancarville, Count Potoki, Julian Niemcewicz, a Polish writer, and her patroness, the Princess Lubomirski. After reporting their acceptances, Maria had written, "If my inclination had been your law I should have had the pleasure of seeing you More than I have. I have felt the *loss* with displeasure. . . . Addieu My dear friend, let me beg of you to preserve Me that name, I shall endeavour to deserve it: & all the Gods will bless us."[45]

Jefferson was with her on her last evening in Paris, December 6, and promised to breakfast with her the final morning and to accompany her on the first leg of her journey. Something happened during their last hours together—Maria later described herself as "Confus'd and distracted"[46]—so that during the night she decided to leave very early, without saying goodbye to anyone. She wrote Jefferson a chilling little note, which he found when he came to the Princess's house:

> I cannot breakfast with you tomorrow; to bid you adieu once is sufficiently painful, for I leave you with very melancholy ideas. You have given my dear Sir all your commissions to Mr. Trumbull, and I have the reflection that I cannot be useful to you; who have rendered me so many civilities.[47]

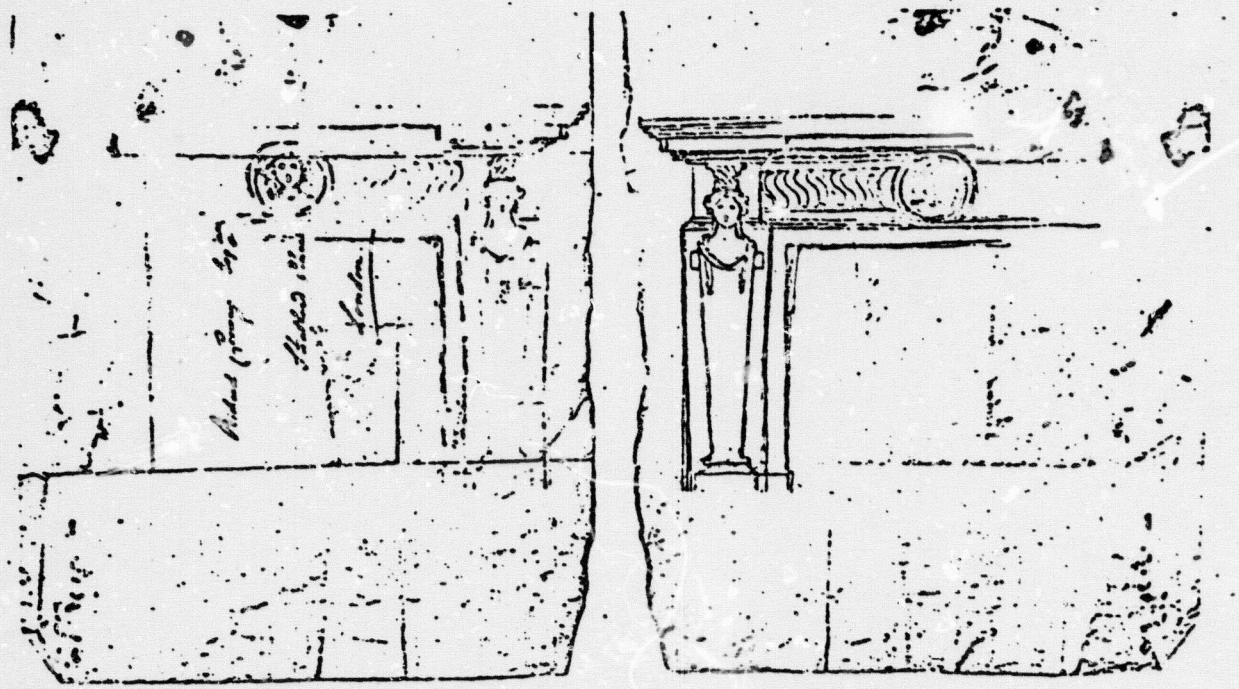
Jefferson was so wounded by whatever had gone wrong during the last weeks of her stay, and so angered and embittered by the final broken promise, that he wrote no letters to anyone for five days and

none to Maria Cosway for seven weeks. Two anguished letters arrived from her before he put pen to paper, and then his letter, compared with the tender communications of the past, was frostiness itself.

What had gone wrong? One cannot be certain, but several phrases in her distracted letters, especially when examined in the light of what we know about the rest of her melancholy life—her utter repudiation of motherhood and marriage, the abandonment of her child, and her eventual return to the convent life of her childhood—suggest that there had been some kind of crucial failure for Maria in the act of love. The farewell note said, "I cannot be useful to you." In the first letter from London she cried out, "Why is it My fortune to find Amiable people where I go, and why am I to be obliged to part with them! . . . You are happy you can follow so Much your inclinations. I wish I could do the same. I do all I can, but with little success, perhaps I dont know how to go about it." In the second letter she continued tormenting herself, "I cannot have even the Satisfaction to unburden My displeasure of [it] by loading you with reproches. . . . I am perfectly sure t'was My fault but my Misfortune." Later, in begging Jefferson to come to London, she promised, ". . . we shall not have a Numerous Cortege, I promise to Make Myself and my Society according to your own wishes. At home we may do it better." [49]

What Maria Cosway seems to have wanted was a rescuing father, not a lover, a role Jefferson refused to play. Such a role was more readily accepted by the aging d'Hancarville, or the *castrato* singer, Luigi Marchesi, with whom she traveled about Europe for a few months in 1790.[50] Cosway is said to have kept a diary, now lost, during a "sketching-tour" with the artist Mary Moser, in which he made "lascivious statements about Miss Moser, and invidious comparisons between her and Mrs. Cosway." [51] So wrote Cosway's biographer, Williamson, who claimed to have seen the diary.

Maria, as one may see in her farewell note to Jefferson in Paris, was indignant that Jefferson had commissioned Trumbull rather than herself to paint pictures for him. Her father had pampered her into thinking that she had great talent, but Jefferson wanted her and not her art. Needing his admiration and love, but apparently failing as a mistress, she was further crushed when he looked upon her art as irrelevant. Once back in London, however, she continued to fight with anger, cajolery, and tenderness to recover the adoration she had enjoyed in Jefferson's previous letters. This was no mere coquetry. She teased Trumbull to make a portrait of Jefferson for her, which he finally did, and she preserved it to her death in the convent school for girls which she founded in Lodi, Italy.[52] There too she preserved an envelope Jefferson had addressed to her husband, on the inside of



Envelope inscribed by Jefferson, preserved by Maria Cosway, with superimposed sketches in her hand.

which she sketched two small unhappy female faces. One is imprisoned inside a pillar, very like a caryatid, except that the total impression is one not of support but of sad incarceration.[52]

That Maria Cosway knew the love affair with Jefferson was decisively over is evident in her reproachful little note written on Christmas Day 1787. One of her friends in London was the extraordinarily beautiful Angelica Schuyler Church, wife of a British member of Parliament and sister-in-law of Alexander Hamilton. Knowing that Angelica was going to Paris and would certainly seek out Jefferson, Maria wrote, "Have you seen yet the lovely Mrs. Church? . . . If I did not love her so Much I should fear her rivalship, but no I give you free permission to love her with all your heart, and I shall feel happy if I think you keep me in a little corner of it, when you admit her even to reing Queen.—I have not receivd any letter from you I feel the loss of it." [53]

Jefferson finally replied on January 31, 1788: "I went to breakfast with you according to promise, and you had gone off at 5 oclock in the morning. This spared me indeed the pain of parting, but it deprives me of the comfort of recollecting that pain." He explained his seven-week failure to write with the callously flimsy excuse that he could find no one to carry the letter personally, and distrusted the "infidelity" of the post office. He had seen and approved of Mrs. Church, he said, adding cruelly, "I find in her all the good the world has given her credit for. I do not wonder at your fondness for each other. I have seen too little of her, as I did of you." [54] He did not write to Maria again for almost three months.

But it was not the delicately modeled Angelica Church, who replaced Maria Cosway in Jefferson's affections. What [illegible] fragile Maria had noticed Sally Hemings in the Hôtel de Langeac is not unlikely. Her own Schomberg House had had a celebrated black mistress and model when the house had been rented by an earlier artist tenant, Nathaniel Hone.[55] But Maria's letters showed only a lively jealousy of Angelica Church. The evidence that the real rival was the comely little slave from Monticello, and that their affection began to blossom early in 1788, is complicated and subtle. Some of it is to be found in Jefferson's subsequent letters to Maria Cosway, as gently, with great tenderness and an occasional resurgence of his old affection, he widened the gap between them and finally put an end altogether to her hopes of ever seeing him again.

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28. Jefferson to Maria Cosway, October 12, 1786. See Appendix II.
29. Jefferson to Abigail Adams, August 9, 1786, *Papers*, Boyd, X, 203.
30. Jefferson to William Stephens Smith, August 9, 1786, *Papers*, Boyd, X, 213.
31. Jefferson to George Wythe, August 13, 1786, *Papers*, Boyd, X, 244.
32. *Writings*, L. and B., XVIII, 439. In 1785 Jefferson had purchased a twenty-two volume set of Bell's English poets (account book, October 13, 1785). His "Thoughts on English Prosody," mistakenly dated by editors Lipscomb and Bergh as having been written in 1786, was actually written between August and September 18, 1786, as Julian Boyd has pointed out. Some of the revisions were written with Jefferson's left hand, after the dislocation or breaking of his wrist September 18, 1786. See *Papers*, Boyd, X, 498n. See also Jefferson to Chastellux, October 1786, *Papers*, Boyd, X, 498.
33. *Writings*, L. and B., XVIII, 426, 430, 434.
34. *Writings*, L. and B., XVIII, 443.
35. Maria Cosway to Jefferson, February 15, 1787, *Papers*, Boyd, XI, 148-49. The letter was delivered to Jefferson personally by d'Hancarville, *Papers*, Boyd, XI, 150n.
36. Maria Cosway to Jefferson, February 15, 1787, *Papers*, Boyd, XI, 149.
37. Schachner, *Jefferson*, 317; Thomas Fleming, *The Man from Monticello: An Intimate Life of Thomas Jefferson* (New York, 1969), 136; Peterson, *Jefferson and the New Nation*, 334; Jordan, *White over Black*, 462; Saul Padover, *Jefferson* (New York, 1942), 140; Dixon Wecter, *The Hero in America* (New York, 1945), 154; Malone, *Jefferson and the Rights of Man*, 72.
38. Kimball, *Jefferson: The Scene of Europe*, 159.
39. See Fawn M. Brodie, "Jefferson Biographers and the Psychology of Canonization," *Journal of Interdisciplinary History*, II (1971), 155–71.
40. Jefferson to William Stephens Smith, October 22, 1786, *Papers*, Boyd, X, 478. Lyman Butterfield discovered a letter among the papers of William Temple Franklin which established the date and place of the accident. Le Veillard wrote to Franklin September 20, 1786, "Day before yesterday Mr. Jefferson dislocated his right wrist when attempting to jump over a fence in the 'Petit Cours.'" See Lyman Butterfield and Howard C. Rice, "Jefferson's Earliest Note to Maria Cosway with Some New Facts and Conjectures on His Broken Wrist," *William and Mary Quarterly*, 3rd series, V (1948), 26–33, 620–21. *Papers*, Boyd, X, 432n.
41. Quoted in Randall, *Jefferson*, I, 456.
42. Maria Cosway to Jefferson, September 20, 1786, *Papers*, Boyd, X, 393.
43. Kimball, *Jefferson: The Scene of Europe*, 168-69; Malone, *Jefferson and the Rights of Man*, 72, 74.
44. Maria Cosway to Jefferson, October 5, 1786, *Papers*, Boyd, X, 433.
45. *Ibid.*
46. Jefferson to Maria Cosway, October 12, 1786. See Appendix II.
47. *Ibid.*
48. Jefferson to Maria Cosway, October 5, 1786, *Papers*, Boyd, X, 431–32.
49. Jefferson to Maria Cosway, October 12, 1786. See Appendix II.
50. *Papers*, Boyd, X, 453n. Balzac also left copies of his love letters.
51. *Papers*, Boyd, X, 453n; Peterson, *Jefferson and the New Nation*, 349.
52. Jefferson to Maria Cosway, October 12, 1786. See Appendix II.
53. Maria Cosway to Jefferson, October 9, 1786, *Papers*, Boyd, X, 441. This note is in Italian, appended to a letter by John Trumbull. Boyd gives the original and a translation. Several scholars have mistakenly believed that this four line note was Maria Cosway's reply to the twelve-page letter from Jefferson, "My Head and My Heart."
54. Jefferson to Maria Cosway, October 13, 1786, *Papers*, Boyd, X, 458-59.
55. Jefferson to John Trumbull, October 13, 1786, *Papers*, Boyd, X, 460.
56. Jefferson to John Trumbull, February 23, 1787, August 26, 1788, *Papers*, Boyd, XI, 181, XIII, 548.
57. "I very much regret the loss of these twenty days," Trumbull wrote, ". . . I

distinctly recollect, however . . . that Mr. Jefferson joined our party almost daily; and here commenced his acquaintance with Mrs. Cosway, of whom very respectful mention is made in his published correspondence." Trumbull, *Autobiography*, 120.

58. Maria Cosway to Jefferson, October 30, 1786, *Papers*, Boyd, X, 494–96. Julian Boyd filled in what he believed might have been the original words, in the holes gnawed by mice or rats, and he translated the Italian.

59. Williamson, *Richard Cosway*, 44, 49.

60. Maria Cosway to Jefferson, November 17, 1786, translated from the Italian, *Papers* Boyd, X, 538–39.

61. Jefferson to Maria Cosway, November 19, 1786, *Papers*, Boyd, X, 542.

62. Jefferson to Maria Cosway, November 29, 1786, *Papers*, Boyd, X, 555.

63. Jefferson to Eliza House Trist, December 15, 1786, *Papers*, Boyd, X, 600.

64. Jefferson to Maria Cosway, December 24, 1786, *Papers*, Boyd, X, 627.

65. Jefferson to Madame de Tessé, March 20, 1787, *Papers*, Boyd, XI, 226.

66. Jefferson to Maria Cosway, July 1, 1787, *Papers*, Boyd, XI, 520.

67. Maria Cosway to Jefferson, July 9, 178–, *Papers*, Boyd, XI, 569.

CHAPTER XVI The Second Interlude

1. Jefferson to Mary Jefferson Bolling, July 23, 1787, *Papers*, Boyd, XI, 612.

2. Reminiscences of Isaac, in *Jefferson at Monticello*, 4.

3. Randall to James Parton, June 1, 1865, in Milton E. Flower, *James Parton: The Father of Modern Biography* (Durham, N.C., 1951), 236–42.

4. Jefferson to Francis Eppes, August 30, 1785, *Papers*, Boyd, VIII, 451.

5. John Wayles Eppes to Jefferson, May 22, 1786, *Papers*, Boyd, IX, 560.

6. Martha Jefferson Carr mentioned the pregnancy of Isabel in a letter to Jefferson, January 2, 178–, *Papers*, Boyd, XV, 633. Francis Eppes to Jefferson, April 14, 178–, *Papers*, Boyd, XV, 636. (Supplementary Documents.) Jefferson used the word "quarterons" in a letter of December 23, 1793, *Writings*, L. and B., IX, 276.

7. Elizabeth Eppes to Jefferson, May 7, 1787, *Papers*, Boyd, XV, 637.

8. Francis Eppes to Jefferson, April 11, 1786, *Papers*, Boyd, XV, 625.

9. As Jefferson described it to his sister, Mary Jefferson Bolling, July 23, 1787, *Papers*, Boyd, XI, 612.

10. Abigail Adams to Jefferson, June 27, July 6, 1787, *Papers*, Boyd, XI, 502, 551.

11. Abigail Adams to Jefferson, June 27, 1787, *Papers*, Boyd, XI, 503.

12. Abigail Adams to Jefferson, [illegible] 10, September 10, 1787, *Papers*, Boyd, XI, 573, XII, 112.

13. Jefferson to Abigail Adams, July 1, 1787, *Papers*, Boyd, XI, 515.

14. Maria Cosway to Jefferson, July 9, 1787, *Papers*, Boyd, XI, 569.

15. Abigail Adams to Jefferson, July 6, 1787, *Papers*, Boyd, XI, 551–52; John Adams to Jefferson, July 10, 1787, *Papers*, Boyd, XI, 575.

16. Jefferson to Abigail Adams, July 16, 1787, *Papers*, Boyd, XI, 592; Jefferson to Elizabeth Eppes, July 28, 1787, *Papers*, Boyd, XI, 634.

17. The SJL indicates that several letters to his sisters and sister in law have not been found.

18. *Jefferson at Monticello*, 5.

19. Jefferson to Nicholas Lewis, September 17, 1787, *Papers*, Boyd, XII, 135.

20. Jefferson to Mary Jefferson Bolling, July 23, 1787, *Papers*, Boyd, XI, 612.

21. Jefferson to George Gilmer, August 12, 1787, *Papers*, Boyd, XII, 26.

22. Jefferson to Edward Rutledge, July 14, 1787, *Papers*, Boyd, XI, 559.

23. Jefferson to Francis Eppes, July 30, 1787, *Papers*, Boyd, XI, 652–53.

24. *Ibid.*, 653.

25. Jefferson to Nicholas Lewis, July 11, 1788, *Papers*, Boyd, XIII, 343.

26. Jefferson to Antonio Giannini, February 5, 1786, *Papers*, Boyd, IX, 254.

27. Antonio Giannini to Jefferson, June 10, 1786, *Papers*, Boyd, IX, 624n.

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33. Jefferson to Frances Wright, August 7, 1825, *Writings*, L. and B., XVI, 119–21.

34. Waterman, *Frances Wright*, 129.

35. Jefferson's last letter to Maria Cosway, describing the building of the University of Virginia, had been written October 24, 1822. For this, and Maria Cosway's last two letters, July 18, 1823, and September 24, 1824, see Bullock, *My Head and My Heart*, 161–87.

36. Randall, *Jefferson*, III, 503.

37. Jefferson to Joseph Cabell, February 7, 1826, *Writings*, Ford, XII, 450–53.

38. Jefferson to Madison, February 17, 1826, *Writings*, L. and B., XVI, 158–59.

39. Martha Jefferson Randolph to Ellen Randolph Coolidge, April 5, 1826, University of Virginia.

40. Dunglison's memoirs are published in Randall, *Jefferson*, III, 513–17.

41. Martha Jefferson Randolph, November 26, 1825, April 5, 1826, University of Virginia.

42. Jefferson to Adams, March 14, 1820, *Adams Jefferson Letters*, 562.

43. *Jefferson at Monticello*, 102.

44. Jefferson to Madison, February 17, 1826, *Writings*, L. and B., XVI, 158.

45. See the Hemings family genealogy, *Jefferson at Monticello*, 25. Mary Hemings, born in 1753, gave birth to "Joe Fosset" in 1780 (*Farm Book*, 31, 130). The late John Cook Wyllie, expert on the Monticello slaves, believed that Joe Fosset's father was an apprentice white man employed at Monticello named William Fosset. Jefferson's account book for September 1, 1779, shows that he was working at Monticello at that date. Martha Jefferson was still alive in 1780, and it is therefore most unlikely that Joe Fosset was Jefferson's son. One should also note that Fosset was treated differently from Sally Hemings' sons. First of all, he was given the last name Fosset, which can be considered evidence that Fosset was the father. Second, Sally Hemings' children were permitted to "run away" at twenty one. Joe Fosset was not. In 1806 he ran away to Washington because of his affection for Edy, a slave Jefferson had taken to Washington. The President's hostler, Joseph Daugherty, alerted by Jefferson, caught him in the "yard" of the President's House on August 3, 1806, and returned him to Monticello. See "Slaves and Slavery," *Farm Book* [22–23]. The belief that Joe Fosset was Jefferson's son gained some credence in 1954 when Lerone Bennett, in "Thomas Jefferson's Negro Grandchildren," *Ebony*, November 1954, published photographs of elderly blacks who traced their ancestry back to Fosset. But the article gave no evidence to indicate that Fosset was indeed Jefferson's son. Joe Fosset's mother, Mary Hemings, according to evidence gathered by John Cook Wyllie at the University of Virginia, was sold in 1792 at her own request to Colonel Thomas Bell, and apparently spent her last years in freedom in Philadelphia.

46. See Appendix I, part 2.

47. C. Vann Woodward, *The Burden of Southern History*, 25.

48. Jefferson to Roger C. Weightman, June 24, 1826, *Writings*, L. and B., XVI, 181–82. See also Julian Boyd's discussion of the emendations in this letter, *New York Times Magazine*, April 10, 1949.

49. Randall, *Jefferson*, III, 546, and Nicholas P. Trist to Joseph Trist, July 4, 1826, University of Virginia.

50. Gaines, *Thomas Mann Randolph*, 184–86.

51. A film of this census may be seen at the University of Virginia. Eston is listed as having in his household two whites (age 20–30) [doubtless himself and Madison], one white (50–60) [his mother], three colored males under 10, one colored male (35–36), one colored female under 10, and one colored female (35–[illegible]). Since Eston had married a free black woman, something of the family relations[illegible] be worked out, especially when checked with Madison Hemings' reminiscence[illegible] Appendix I.

52. See Appendix I, part 2.

53. *The Jefferson Image in the American Mind*, 388.

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University of Virginia. A useful guide is Constance E. Thurlow and Francis L. Berkeley, Jr., *The Jefferson Papers of the University of Virginia*. Of special value in this collection is James A. Bear's typescript and photocopy of the collection of Jefferson account books, which are otherwise scattered. Here, too, one may see copies of the memoirs of Martha Jefferson Randolph, Thomas Jefferson Randolph, and Ellen Randolph Coolidge. The Edgehill Randolph Papers, the Carr and Cary Papers, and a recently acquired collection of letters by Ellen Coolidge are useful for providing information about Jefferson's kin. The McGregor Library has on file a film of the Albemarle County census of 1830, with information about the Hemings family, as well as Jefferson's relatives.

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shone glowing pale crimson; the icefields [?] were broken up into exquisite blocks of crimson but a crimson which looked all the more delicate & exquisite that its background was soft cold gray.

This was all over in 10 minutes—When we got back home the east & west were rapidly taking on the darkness of night—No gleams of crimson lived to tell that the sun had sunk.

It is interesting to compare this Ruskinian exercise in descriptive writing with a letter written in the same spidery hand to her cousin Emma Vaughan.

12 August 1899

Warboys Rectory
Warboys
Huntingdonshire
(this is all the address necessary)

Dearly beloved Toad,

This morning we heard from Susan Lushington that she arrives on Monday at Huntingdon about 12.30. Some of us must, I expect meet her there, which means that we shall not be back here till 1.30—I do not know when you will arrive (if at all) but we *expect* you for luncheon; therefore to be brief and at the same time explicit; if we are not all here to greet you on your arrival shd. your arrival take place much before 1.30: we beg that you will in no way feel slighted, but that you will make yourself at Home—go on the Punt—feed the sea gull—visit the stables—examine the photographs—& take possession of our bedrooms & their appurtenances. I fear that Susan Lushington may in some way interrupt our afternoon, but she is sure to be unpacking, resting, & letter writing; besides she is a charming animal, & can play the Spinet to perfection. *Some* other people—toads I should say—nasty slimy crawling things—*think* they can play—ahem!

You see—my dear toad, that the terrible depression of this climate has not yet affected my spirits. I suspect you & Marny [Margaret Vaughan] of ulterior motives in thus blackening our minds. Or perhaps you are too unimaginative & soulless to feel the beauty of the place. Take my word for it Todkins, I have never been in a House, garden, or country that I liked half so well—leaving St Ives out of account. Yesterday we bicycled to Huntingdon—& paid a visit to our relatives [Lady Stephen and her family]. Coming back we forgot all our cares—(& they were many—Nessa & I each had a large string bag full of melons which bumped against our knees at every moment) in gazing—absorbing—sinking into—the Sky. You dont see the sky until you live here. We have ceased to be dwellers on the earth. We are really made of clouds. We are mystical & dreamy & perform Fugues on the Harmonium. Have you ever read your sister in law's Doges Farm?* Well

* *Days Spent on a Doge's Farm* by Margaret Symonds (Mrs W. W. Vaughan) 1893.

that describes much the same sort of country that this is; & you see how she, a person of true artistic soul, revels in the land. I shall think it a test of friends for the future whether they can appreciate the ren country. I want to read books about it, & to write sonnets about it all day long. It is the only place for rest of mind & body, & for contentment & creamy potatoes and all the joys of life. I am growing like a meditative Alderney cow. And there are people who think it dull & uninteresting!!!!

This all flowed from my lips without my desire or knowledge. I meant only to be short & businesslike. Poor Toad–when you come I shall say to you–Have you read my letter and you will confess that you did try a bit of it on the road, & you really do mean to have another shot on the way back. And you are only waiting for a rainy day to finish it altogether. Augusta* thinks it bad for your eyesight, & Marny has telegraphed "Forbid you to read Virginia's letters" I am a little cracky this afternoon. It is the hottest day I have yet lived thro'; I have read a whole long novel through; beginning at breakfast this morning & ending at 4 P.M.

It is now tea time. ([Two words illegible] Toadus inquit)

I am very sorry to have written such a long letter, but I will write a digest in very black ink so as to make up.

Love to dear Marny & all my Nieces and nephew.

Yrs always Goatus.

Do find some News to tell us. We long for some.

Oh October October

I wish you were *oher*

[in a large legible hand] This letter only to say that we have to meet Susan Lushington on Monday morning so that we may be late for you, but shall be in for luncheon 1.30 anyhow; & beg that you will Make Yourselves at Home–& not think yourselves slighted! The rest all the better for keeping.

News of a certain person & another *unknown* urgently required.

Do'you see how much superior this paper is to yours?

This letter, with its pace, its mockery, its exaggeration, its flights of fancy, is already, despite some schoolgirlish remarks, not unlike the kind of letter that she was to write in later years. And those who remember her conversation will recognise certain turns of phrase, a certain impetuosity of address, which shows that at the age of seventeen she was already very like the person whom they knew. In a sense then she was precocious and old for her years, but in another way she was still very much a child and a very timid child at that. Peering out from the edge of the nest she observed the drop

* Emma's elder sister, Mrs Croft.

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below with terror, a terror that was increased by her sister's unlucky attempts to fly.

Vanessa was 'out' and the business of bringing her out was undertaken by George; Vanessa was not enjoying it at all and Virginia feared that she would enjoy it even less. It was an alarming prospect and she felt that she would be very much happier in the schoolroom. Here, with increasing health, she was fairly active learning both Greek and Latin. Greek was taught her by Miss Clara Pater,* the sister of Walter Pater—"very white and shrivelled" she called her—and then by Miss Case. Janet Case was "thorough"; she observed that Virginia had a tendency to rush for the sense of a passage leaving grammar and accents to look after themselves, and that with Miss Pater she had got away with a very slovenly approach to the language. She had now to go back to the beginning and learn her grammar anew. But despite, or because of, these severities she knew how to hold Virginia's attention, and indeed her regard. She argued and took her pupil's arguments seriously; she herself was intensely interested not only in the language but in the ideas of the Greeks; she had a passion for Aeschylus and for Euripides and saw their relevance to her own time; so the lessons became discussions in which Virginia must have learnt a good deal. In July 1901, writing to Thoby, she says that she is reading the *Trachiniae* and has gone through the *Antigone* and *Oedipus Colonaeus*. There was some sparring between her and her teacher; she tried, but did not succeed in making Miss Case lose her temper. But the lessons were the beginning of a lifelong friendship.

Thoby, now at Cambridge, was also to some extent her teacher, or at all events an intellectual sparring partner; and the following extract from a letter which Virginia wrote to him on 5 November 1901 gives some idea of their discussions:

> My real object in writing is to make a confession—which is to take back a whole cartload of *gentions* which I used at Fritham & elsewhere in speaking of a certain great English writer—the greatest—I have been reading Marlowe, & I was so much more impressed by him than I thought I should be, that I read Cymbeline just to see if there mightn't be more in the great William than I supposed. And I was quite upset! Really & truly I am now let in to [the] company of worshippers—though I still feel a little oppressed by his—greatness I suppose. I shall want a lecture when I see you; to clear up some points about the Plays. I mean about the characters. Why aren't they more human? Imogen & Posthumous

* Miss Pater is probably the origin of Miss Craye in "Sister's Pins Have No Points" in *A Haunted House*, 1943.

– & Cymbeline–I find them beyond me. Is this my feminine weakness in the upper region? But really they might have been cut out with a pair of scissors–as far as mere humanity goes. Of course they talk divinely. I have spotted the best lines in the play–almost in any play I should think–

Imogen says–Think that you are upon a rock, & now throw me again! & Posthumous answers–Hang there like fruit, my soul, till the tree die! Now if that doesn't send a shiver down your spine, even if you are in the middle of cold grouse & coffee–you are no true Shakespearian! Oh dear oh dear–just as I feel in the mood to talk about these things, you go & plant yourself in Cambridge.

Tomorrow I go on to Ben Jonson, but I shant like him as much as Marlow. I read Dr Faustus, & Edward II–& I thought them very near the great man–with more humanity I should say–not all on such a grand tragic scale. Of course Shakespeares smaller characters are human; what I say is that superhuman ones *are* superhuman. Just explain this to me–& also why his plots are just cracky things–Marlow's are flimsier; the whole thing is flimsier, but there are some very "booming" (Strachey's word) lines & speeches & whole scenes–When Edward dies for instance–. . .

The Strachey to whom she refers was one of Thoby's new friends; he had, it appeared, met some tremendously interesting fellows at Trinity: Strachey was a wit, a man of undoubted genius; there was also Sydney-Turner, another genius, who slept all day and sat up reading all night, browsing through Menander as you or I might glance through a newspaper; Woolf, a strange wild man of powerful intellect; Bell, who wrote poetry and knew about pictures and had a capital seat on a horse. Thoby found Bell's horsemanship almost as interesting as Sydney-Turner's erudition, for he took a hearty commonsense view of the world; just as his father had been a muscular Christian, so he was a muscular atheist. The intellectuals liked him and he liked them; but between him and them there was a tenuous but perceptible frontier–his nickname 'The Goth' conveyed a shade of affectionate disapproval; he was a little more conventional, a little more conservative than they, and while for them Cambridge was exhilarating because it was a place buzzing with ideas, for him it was also a theatre for the traditional delights of privileged youth. And so, when the intellectuals considered whether to invite him to join that arch-intellectual semi-secret society–the 'Apostles'–they concluded, not without heart-searching and hesitation, that he was not really 'apostolic'; his sympathies placed him closer to Bell than to the 'Bretheren'–Bell, who had Edna May to lunch in his rooms at Trinity, rode out to Newmarket

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days to the new house in Gordon Square and then went to Giggleswick School in Yorkshire where her cousin Will Vaughan was now Headmaster. Vanessa wrote to Madge Vaughan:

> She is really quite well now–except that she does not sleep very well–& is inclined to do too much in some ways. . . . She ought not to walk very far or for a very long time alone. . . . Now she goes out before beginning to write in the morning for ½ an hour alone . . . then she walks alone again before luncheon for ½ an hour–but in the afternoon she is rather dependent on someone else for a walk. Of course if she could go out with the children sometimes it would do perfectly. She goes to bed very early as I think you do & she is in all other ways absolutely normal in her doings.

Virginia surveyed the Vaughan household with some curiosity. Her first impression was that Will was by no means worthy of Madge. He was domineering and thoroughly conventional. He was always afraid that Virginia would entertain Madge with "morbid" subjects; also she told the children stories which, if not precisely "morbid", were held to be unsuitable to the Sabbath, a day devoted to 'Sunday Books' of exemplary dullness. Madge had to perform all the chores, not only of a mother but of a headmaster's wife; it was taken for granted that her own work as an author would take second place. Virginia revised this opinion for a time–this was always to be her way–and discovered unsuspected moral and conjugal qualities in Will; but her first impression became her final opinion: Madge was yet another of the women whose lives and talents were to be sacrificed to their husbands.

Madge, who liked Virginia and "believed in her genius," was nevertheless sensible of Virginia's scrutiny and rather alarmed by it. After the visit we find Vanessa writing to reassure her:

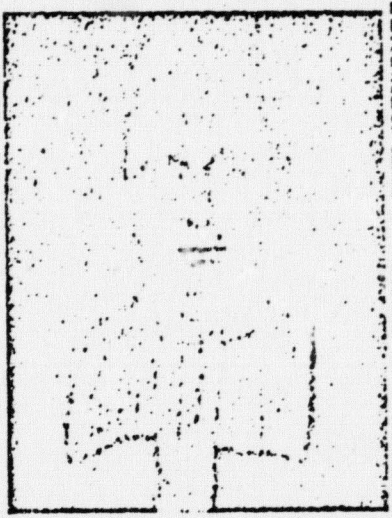
> Don't be afraid that I shall quote what you say as "comic"–I know you think us all very critical–but really I dont think we criticise unfairly– & we certainly dont laugh at people behind their backs & treat them affectionately to their faces. So dont ever be afraid that we shall talk of your "fads"! Ginia has talked to me of you & Will only in the most appreciative way– & I do think that the safeguard with her is that she always does see the real good in people. She is too clever not to find a great many people bores–& I think she often enjoys giving vigorous expression to feelings which though true are quite temporary –but when one knows her ways one can always tell how much is permanent & how much will change–& I think I can honestly say that I have never heard her say a really unkind thing about anyone. So I dont think the criticism matters. Everyone who has brains must be critical



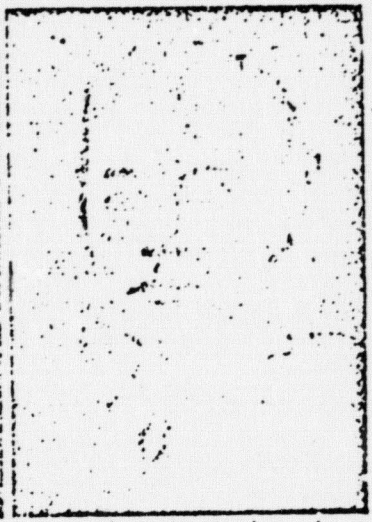
8a Lady Beatrice Thynne



b Lady Robert Cecil



c Violet Dickinson



d Madge Vaughan

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took in good part. It was on this holiday that Virginia began to smoke cheroots. Rumour says that she smoked a pipe. I have found no evidence of this.

"I don't think I've ever enjoyed one month so much," she told her diary, and she said as much to Vanessa in a series of enthusiastic letters describing her travels. Vanessa read the letters aloud, which indeed she usually did with Virginia's letters, and Clive, then staying at Cassis and not making much headway with *Civilisation*, carried certain details with him back to Paris where, so Virginia believed, her enthusiasm was made fun of. She was cross enough to say that she would write no more letters to her sister. Luckily she did not persist in this resolve, and presently there was an epistolary exchange which was to be of some importance.

On 3 May Vanessa wrote from Cassis:

> It is a work of absolute heroism to write to you. All my writing paper has been taken by Angelica to write a poem beginning The Robin hops on the window sill. Then having rescued one sheet I sit with moths flying madly in circles round me & the lamp. You cannot imagine what its like. One night some creature tapped so loudly on the pane that Duncan said "Who is that?" "Only a bat" said Roger "or a bird", but it wasn't man or bird, but a huge moth–half a foot, literally, across. We had a terrible time with it. My maternal instinct which you deplore so much, wouldn't let me leave it. [Vanessa's children were as enthusiastic in collecting butterflies and moths as their parents and relations had been before them.] We let it in, kept it, gave it a whole bottle of ether bought from the chemist, all in vain, took it to the chemist who dosed it with chloroform for a day–also in vain. Finally it did die rather the worse for wear, & I set it, & now, here is another! a better specimen. But though incredibly beautiful I suspect they're common–perhaps Emperor moths. Still I know how one would have blamed one's elders for not capturing such things at all costs so I suppose I must go through it all again. Then I remembered–didn't Fabre try experiments with this same creature & attract all the males in the neighbourhood by shutting up one female in a room?–just what we have now done. So probably soon the house will be full of them.
>
> However, you'll only tell me its what comes of allowing instinct to play a part in personal relationships. What a lot I could say about the maternal instinct, but then also what a lot about Michael Angelo & Raphael. I wish you would write a book about the maternal instinct.

Virginia's reply ended thus:

> By the way, your story of the Moth so fascinates me that I am going to write a story about it. I could think of nothing else but you & the moths for hours after reading your letter. Isn't it odd?–perhaps you stimulate

the literary sense in me as you say I do your painting sense. God! how you'll laugh at the painting bits in the Lighthouse!

To the Lighthouse had, in fact, been published on 5 May. Vita, returning from Persia, found a copy awaiting her. Virginia had promised she would have a new book ready for her. It was inscribed: *Vita from Virginia* (*In my opinion the best novel I have ever written*). Vita was a little surprised at such shameless immodesty, but that night when she opened the book to read it in bed, she found that the inscribed copy was a dummy. Two copies had gone to Cassis–one for Vanessa and one for Duncan. And now, so far from wishing to break off the correspondence with her sister, Virginia became more and more anxious for a letter. By 15 May, unable to bear the suspense any longer, she wrote:

Dearest, no letter from you–But I see how it is–scene: after dinner: Nessa sewing: Duncan doing absolutely nothing.

Nessa (throwing down her work) Christ! There's the Lighthouse! I've only got to page 26 & I see there are 320. Now I cant write to Virginia because she'll expect me to tell her what I think of it.

Duncan Well, I should just tell her that you think it a masterpiece.

Nessa But she's sure to find out. They always do. She'll want to know why I think its a masterpiece.

Duncan Well Nessa, I'm afraid I cant help you, because I've only read 5 pages so far, & really I dont see much prospect of doing much reading this month, or next month, or indeed before Christmas.

Nessa Oh its all very well for you. But I shall have to say something: And I dont know who in the name of Jupiter all these people are (turns over some pages desperately). I think I shall make a timetable: its the only way: ten pages a day for 20 days is . . .

Duncan But you'll never be able to keep up ten pages a day.

Nessa (rather dashed) No. I suppose I cant. Well then, we may as well be hung for a sheep as for a goat–though whats the sense of saying that I never could see: a sheep is almost identical with a goat in some countries; except that one can milk a goat of course. Lord! I shall never forget Violet Dickinson at Athens & the Goat's milk But what was I saying when you interrupted me? Oh yes: I shall take the bull by the horns. I shall write to Virginia & say "I think its a masterpiece–" (she takes the inkpot & prepares to write, but finds it full of dead & dying insects). Oh Duncan, what have you done with the inkpot? Used it to catch flies in? But that's a beetle! Yes it is. Beetles have 12 legs: flies only 8. D'you mean to say you didnt know that? Well, I suppose you're one of those people who think a spider's an insect: Now if you'd been brought up in Cornwall you'd know that a spider's not an insect; its–No I dont think its a reptile: its something queer I know. Anyhow, I cant write to Virginia,

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Chapter Seven

1908–1909

AS we have seen, Virginia was always being told that she should marry; but, when one considers the men who formed her immediate circle in the year 1908 it must be allowed that her chances of doing so were not encouraging. The field of search had been narrowed, or at least the pitch had been queered, by her discovery that most of the young men who most interested her were buggers.*

Saxon she would hardly have thought of as a husband; although he did not inspire love in her, she perhaps did in him. In a letter to Lytton, Leonard Woolf speculated on the possibility that she might end by marrying Saxon; but his qualifications as a lover were questionable. He had his peculiarities in love, as in so much else, and it was, perhaps, in order to make his position clear that he discussed them with Virginia.†

On paper, so to speak, Duncan Grant was also a possible husband. Virginia had met him [illegible] she was with the Bells in Paris in 1907; he was then an art student in that city. He had liked the Bells and thought that Virginia was extremely witty and "amazingly beautiful." Clive and Vanessa had found him charming and hoped to see a great deal of him when he returned to London.

They did; Duncan Grant was to become a familiar figure in Gordon Square and an even more familiar figure in Fitzroy Square, where he had a studio. He would wander into No 29 at any hour, hitching up his trousers, which always seem to have been in a precarious condition and which, at that time, were frequently borrowed from someone less slim than he; then he would borrow twopence for a tram fare and presently wander out again. He was never unwelcome, although Maud, the housemaid, was slightly scandalised by his informality: "that Mr Grant", she complained,

* Buggers, a coarse and perhaps an inaccurate word. Nevertheless I use it, for Virginia and her friends used it (q.v.s. p. 124) and would have thought most of the alternatives over-refined and—in that they do not remind us of persecuted heresy—impoverished.

† "What a very odd talk you seem to have had with Saxon. I cant believe that that mild little man is really a Sadist or whatever its called." VB/VW, [16 March 1909].

"gets in everywhere." I doubt whether Maud remained insensible to his charm; certainly Virginia did not; she would have been pleased to know that Duncan praised her beauty and that he once told his cousin, Lytton Strachey, that he might like to be married to her.* She would not, however, have taken this remark very seriously; she was well aware that if, at this time, his affections were given—or lent—to any member of the family they were for Adrian.

Probably the person who at Virginia's Bloomsbury friends most frequently thought of her marrying was Lytton Strachey. And yet, considered as a husband, Lytton would appear to have been a non-starter and this for two reasons: he was an impossible character and he was the arch-bugger of Bloomsbury. Nevertheless, Virginia certainly considered the idea of marrying him and he half wanted to marry her. Where both the principals are inclined to make a match it is clear that the spectator cannot dismiss the thing out of hand and it is worth enquiring into the disabilities which, at first sight, made the marriage so unlikely and seeing whether, as stated here, they are not somewhat exaggerated.

That Lytton was a pretty thorough-going homosexual cannot be denied. Once, in considering Virginia's suitors, her sister remarked:

> I should like Lytton as a brother in law better than anyone I know but the only way I can perceive of bringing that to pass would be if he were to fall in love with Adrian—& even then Adrian would probably reject him.

Nevertheless, in matters of sex we are few of us entirely consistent; indeed Clive at one moment suggested that Lytton had become a womaniser. Lytton's attentions to Virginia were of a kind to suggest that such a transformation might occur and his later history shows that he could, to some extent, respond to a woman's affection. Conceivably Virginia might have saved him for her sex; but it was not only his sexual inclinations that needed saving.

The picture that we have of him at this period when he was thought of as a possible husband for Virginia, is a dark one. I think that it is fair to say that it is the picture of a creature torturing and self-tortured, slipping from one agony to another, a wretched,

* The remark should be read in its context:
"I think I could almost marry Vanessa, and I could altogether? Clive." Lytton Strachey to Duncan Grant, 6 November 1907.
"I think I might manage to like being married to Virginia—but not to Clive. I suppose you think this odd?" Duncan Grant to Lytton Strachey, [8 November 1907].

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kiss you?" "Why?," she responds, "do you torment me with half uttered and ambiguous sentences?" "... though we did not kiss– (I was willing, & offered [illegible]e . ! .)–I think we 'achieved the heights' as you put it."

Meanwhile, Vanessa was writing to Virginia:

> I wonder what you have said about us–"Of course Nessa was quite taken up with the baby. Yes, I'm afraid she's losing all her individuality & becoming the usual domestic mother & Clive–of course I like him very much but his mind is of a peculiarly prosaic & literal type–And they're always making moral judgements about me. However they seem perfectly happy & I expect its a good thing I didnt stay longer. I was evidently beginning to bore them." Now Billy*–on your honour havent you uttered one of those sentiments?

Presently the Bells followed Virginia back to London and no doubt the flirtation continued with manœuvres and counter-manœuvres on both sides; but it is only when the players were separated that we can get any notion of the state of play.

The 'game' such as it was (for all the participants were losers) was complicated by irritations and social distresses. There were moments when general conversation, particularly his style of robust male conversation, failed to reach Virginia at all and Clive would find her disconcertingly inattentive; there were times when she would allow Miss Sheepshanks to spoil a tête-à-tête. Then there was Lytton; as the summer progressed his interest in Virginia did likewise–or so it appeared. And then, to aggravate Clive's jealous exasperations, there was Hilton Young. He was certainly regarded as a serious admirer, and Virginia herself believed that he would propose to her that summer. When he did not, she was distinctly disappointed, having hoped at least to have an offer of marriage to her credit.

For the first part of the summer holidays Virginia was on her own; Adrian had gone with Saxon to Bayreuth, the Bells as usual were at Cleeve House. To be within reach of them yet independent, she settled on Wells, where she went with two dogs on the first of August, determined to work at her novel. She had finished–or at least she had written–a hundred pages; Helen Ambrose was coming to life, so was Rachel Vinrace; but at this moment she was called Cynthia. At Wells, Virginia decided that this would not do.†

* i.e. Billy Goat. Virginia, in writing to Vanessa, contracts this to a 'B'.

† *The Voyage Out* was the only one of Virginia's novels in which she worked more or less in public, asking for advice, showing portions of her manuscript to

She wrote asking Vanessa to find her another name. Vanessa was willing enough to act as god-mother; she suggested Penelope, Perdita, Chloe, Euphrosyne. "Couldn't you," she added recklessly, "call her Apricot?" Clive, for his part, thought Belinda very suitable. Belinda was too dainty, answered Virginia; besides, the girl's father was a sea captain who would give his child a foreign name – Cintra, perhaps, or Andalusia. "Or Barcelona," exclaimed Clive, rather nettled by the rejection of Belinda, "though Polly or Catherine would be adequate to my taste." Virginia then observed, rather inconsistently, that the changing of names was the most trivial of occupations.

At first it seemed that Mrs Wall's lodging house in Vicar's Close, a place where the fat slumbers of the church seemed gently audible, would provide the tranquility that Virginia needed; but then she was disturbed by Mrs Wall's attempts to provide her with company in the form of a timid theological student, so she moved to a verger's house in Cathedral Green, abandoned her study of Mrs Wall, for whom she had by now constructed an entire life, and studied the children in the street below. But it was difficult to write in a room without a table or a desk and with Prince Albert staring down at her between his whiskers, and so she removed to Manorbier. Its poor rough austerity compared favourably with Wells and it seems to have been a better place for writing. On 30 August she confided to Violet Dickinson that she had begun to believe that she would "write rather well one of these days," and to Clive:

> I think a great deal of my future, & settle what books I am to write – how I shall re-form the novel & capture multitudes of things at present fugitive, enclose the whole, & shape infinite strange shapes . . . but tomorrow, I know, I shall be sitting down to the inanimate old phrases.

There is a letter to Emma Vaughan written during this stay at Manorbier, a kind of crazy joke of a letter which suggests a sudden lapse into something very near to insanity. But in other respects, and judging by all her other letters of this period, she seems to have been in good health.

Clive and Vanessa had done their duty by Clive's parents by staying with them first in Wiltshire and then in Scotland. In September they were free to take a real holiday. Virginia went

others and discussing her progress with her friends. In the later stages of writing the book she was, I think, less communicative. No one was allowed to see anything of her later novels until they were finished.

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A Room of One's Own. 1929

The Waves. 1931

Letter to a Young Poet. 1932

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about the Calaveras mining camps. It was published in the *Saturday Press* on November 18, and soon after, by way of newspaper exchanges, it was reprinted all over the country; even so, Clemens soon found out, it was the frog that was celebrated, not its author. His most powerful ambitions, he wrote to his older brother, Orion (the Clemenses accented the first syllable of the name), three weeks before this taste of national success, had been to be a preacher or a river pilot. He had given up on the first because he lacked "the necessary stock in trade—*i.e.*, religion." He had succeeded at the second, and it was the outbreak of the Civil War, not his choice, that had cut his career short. Now he felt he had "a 'call' to literature, of a low order—*i.e.*, humorous." His vocation, though so far he lacked the education and training for it, was "to excite the *laughter* of God's creatures," and he was going to work at it. He wanted to strike a bargain with Orion, who had passed the zenith of his career after serving as secretary and sometimes acting governor of the Nevada Territory and was now embarked on thirty years of drift and vacillation: Sam would apply himself to exciting the laughter of God's creatures if Orion would apply himself to any one rational pursuit. "You had better shove this in the stove," he said at the end, in ironic reference to the seriousness of his call: "I don't want any absurd 'literary remains' and 'unpublished letters of Mark Twain' published after I am planted." In other ways, too, his vocation was becoming clear to him. During the autumn months before he sailed for New York he gave a humorous lecture about the Sandwich Islands. After a seizure of stage fright so intense that he felt he saw the face of death, he discovered a new area of triumph. He could dominate his audience, make it laugh and respond at his will. With his shuffling entrance, solemn face, and attenuated delivery he could not escape comparison with Artemus Ward, the prince of platform entertainers and his mentor, but he was developing a style and presence all his own that captivated audiences in San Francisco and Sacramento, Grass Valley, Red Dog, You Bet, and Gold Hill.

At the end of his farewell lecture in San Francisco he spoke about the California of the future as a promised land. Now, as unofficial publicist, he carried in his cabin on the *America* evidences of the Pacific Slope Golconda—specimens of quartz, fruits of miraculous size and quality, the wines which were soon to be so popular in the East that French wines were sometimes relabeled as California. He had a sheaf of letters of introduction to Eastern clergymen, Beecher among them, to politicians and editors, to solid citizens who might sponsor him if he decided to lecture. He was the shipboard celebrity, and as Mark Twain his name headed the list of cabin passengers. He was leaving behind him, he wrote to his mother in St. Louis, "more friends than any newspaperman that ever sailed out of the Golden Gate. The reason I mention this with so much pride is because our fraternity generally leave none but enemies here when they go." He craved

affection and admiration, found them in the laughter and astonishment of his lecture audience, and they came to be the basic conditions he needed in order to be creative and happy. But despite his growing sense of vocation and his growing fame, at thirty-one—more than half a man's life expectancy then—he had made no real commitment to place, social goal, or identity. He belonged to a professional group that came and went and seldom rooted. He had been a wanderer on and off since 1853; his home was in his valise. His haunts were saloons and police courts, the morgue, and the stage doors of San Francisco's flourishing theaters. He moved among a subculture of reporters, entertainers, actors, theater managers, acrobats, ladies of the chorus, prospectors, and short-term promoters. As he was to tell his future mother-in-law, he was "a man of convivial ways and not averse to social drinking." This was an understatement: he had been Artemus Ward's companion on a marathon bender in Virginia City, and according to some in the West the name Mark Twain had more to do with marking up drinks on credit than it did with the Mississippi. Life on the Coast was full of queer vicissitudes, he said, and his own life there was no exception. One moment he lived high on oysters, salmon, cold fowl, and champagne at "heaven on the half shell," the Occidental Hotel; the next moment he was out of work, in debt, even in jail, having too pointedly commented on the brutalities of the San Francisco police. One night early in 1866 he put a pistol to his head. "Many times I have been sorry I did not succeed," he reflected more than forty years later, "but I was never ashamed of having tried." At one low point a local editor described him in print as a "Bohemian from the sage-brush" who was a jailbird, bailjumper, deadbeat, and alcoholic. Sam Clemens, the editor insinuated, had been rolled in a whorehouse and probably had a venereal disease; in any case, he concluded, Sam would not be missed in the city by the Golden Gate. Even for an era of scurrilous journalism this was a frightful attack, and Sam's answer was to depart, in silence, for the Hawaiian Islands. Such was the history that later caught up with him, and seriously threatened his chances, when he invaded the staidness of Elmira, New York, and asked for the hand of Olivia Langdon.

Now, scarcely two years before his first visit to Elmira, marriage and equilibrium seemed equally remote. In California he had been melancholy and restless, alternately idle and desperately industrious. His jokes and hoaxes were often strident and brassy, betraying raw nerve endings whipped by guilt about his family and by an oppressive sense of obligation to them. The youngest of the surviving Clemenses and once his mother's despair, Sam was now the hope of the family. A crippled household—his sixty-three-year-old mother, Jane, a widow since 1847, his widowed sister, Pamela Moffett, and Orion—depended on him more and more to rescue them from a long pattern of bankruptcy and foreclosure. Before, in his letters to them he had always been "Sam." Now, from time to time,

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extemporaneous sermon that glittered with illustrations and worldly metaphors. His rich, resonant voice filled every corner of his elegant church, its white seats delicately beaded in brown. "He went marching up and down the stage," Clemens reported, "sawing his arms in the air, hurling sarcasms this way and that, discharging rockets of poetry, and exploding mines of eloquence, halting now and then to stamp his foot three times in succession to emphasize a point."

Beecher's style had been formed at camp meetings and forest revivals in Indiana; he dealt in broad pyrotechnic effects, and he was an apostle of enthusiasm who described himself as a "cordial Christian Darwinist." But for all this devotion to a muscular Christianity he was high-strung, a sensualist, an over-reactor. He loved flowers and would not find it grotesque that on the first day of his adultery trial his loyal parishioners decorated the courtroom with white flowers, emblems of purity ("like placing wreaths about the open manhole of a sewer," Godkin wrote in the *Nation*). He was fascinated by small rare objects, by stuffed hummingbirds and unset gems. He called the stones his "color opiates," and he carried them with him to gaze at and caress, to soothe him after his Sunday-morning performance left him limp with sweat. At the end the visiting journalist had a nearly overpowering impulse to applaud. Had it not been a church, he "could have started the audience with a single clap of the hands and brought down the house." Sam Clemens was intoxicated with oratory in an age that adored it and that turned to it for entertainment as well as persuasion, and the pastor of Plymouth Church impressed him more as a showman than as a shepherd. His introduction to Beecher proliferated in a remarkable number of ways; their relationship was crucial for Clemens, but it could never become a friendship. Beecher was more than twenty years older, but aside from this there was something in him that Clemens found antipathetic, a hint of the religious mountebank and hypocrite. At one point Beecher even symbolized for him a flyblown quality of America in the 1870s, good meat that had hung too long. But now Clemens was pleased to be a guest at Beecher's dinner table, to meet there Beecher's famous sister Harriet Beecher Stowe, to be the beneficiary of Beecher's advice on lecturing, publishing, and self-advancement in general. For a brief time he was caught in the strong toil of Beecher's personality, and for much longer he was caught in a network of Beecher connections he could never escape from and could never altogether enjoy: in Elmira, Beecher's brother Thomas was spiritual adviser to the Langdon family and married Olivia Langdon and Samuel Clemens; in Hartford there was Harriet, in her prime a phenomenon, in her dotage a nuisance; and also in Hartford there were two other sisters, one of whom, Isabella Hooker, was a snob for whom her neighbor Samuel Clemens remained coarse and a parvenu. The *Quaker City* voyage, which in a few months would take him

abroad and toward fame as a writer, was at least in name sponsored by Beecher and Plymouth Church. (Twenty years later, Mark Twain the publisher figured that Beecher's death, leaving unfinished a projected autobiography that the house was counting on, was going to cost the company at least $100,000.) "Henry Ward is a brick," Sam told his mother a year after their first meeting. Into that flat jocular statement one can read his pride at a significant conquest and also the first intimations of boredom.

His natural social element, though, was not the clergy, not yet the established middle class, certainly not the members of the Century Association. Bohemia in San Francisco had been a transplant from New York, and New York's Bohemia, in decline since the middle of the war, was in turn a transplant—and some, like Howells, felt it was a shallow-rooted one—from France. Postwar Bohemia in New York was an amorphous thing. It lacked the vital center that Henry Clapp, grown bitter and drinking himself to death, had once supplied at Pfaff's. It was now chiefly composed of journalists living outside the conventional social order and pursuing an erratic hand-to-mouth existence. Still, "bohemian" describes Clemens' literary and social coloration during his first months in the East. "That old day when bohemianism was respectable—ah, more than respectable, heroic": so he would recall this period seventeen years later for a friend who had shared it with him, Edward H. House. House had been a music and drama critic in Boston and a Civil War correspondent for the New York *Tribune*, and he was now contributing occasional criticism to the paper. They met one morning in January at the Nassau Street office of Charles Henry Webb, poet, columnist, and editor, whom Clemens had known in San Francisco and who was credited by some as having brought New York bohemianism, the original, authentic article, to the West Coast. All three of them had singularly restless careers; for them to be in the same room together was a rare intersection in time. House was to have an interlude in Japan as professor of literature, return with a pension from the Emperor Mutsuhito, and become a speculator in theatrical attractions and a play adapter—a profession which in 1890 pitted him against Clemens in an abusive legal contest over stage rights to *The Prince and the Pauper*. By this time Clemens had decided that his old friend was a scoundrel, thief, "gigantic liar," and "inconceivable hound." Webb, after reading *Moby Dick* at the age of seventeen, had signed on a whaler and sailed four years in the South Seas and the Arctic; later he covered Bull Run for the New York *Times* and the passing scene for the Sacramento *Union* and the *Golden Era*. With Bret Harte he founded and edited the *Californian*, a distinguished literary journal to which Clemens contributed and which, during its short life, showed that there was real literary vitality on the Pacific Slope. The magazine bankrupted him, as did his mining speculations; his satires on California patriotism proved too uncomfortable for the natives, and if he had

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not left San Francisco by ship in 1866 he might have left it on a rail not long after. In New York he followed a varied course as makeshift publisher and occasional journalist, writer of light verse, banker and broker, and, something Sam would be in sympathy with, inventor and plunger in patents for a cartridge-loader and several adding and calculating machines. Like Sam, he had red hair and a mustache; he had a lisp to match Sam's distinctive drawl; he was a *bon vivant* and a lady killer; and, although he lived until 1905, his best days were already behind him. He too, like House, was to find himself on the other end of a lawsuit from Samuel L. Clemens, who, years later, remembered Webb as "a poor sort of creature, and by nature and training a fraud." These two, along with Bret Harte, were Clemens' closest links with bohemianism. He was to repudiate all of them, denounce them as crooks and parasites; their hand-to-mouth, deep-in-debt, quick-improvisation style of living he would find detestable. Bret Harte, as befitted his greater importance to Clemens, was to be repudiated with a venom and vindictiveness time could never moderate.

Several times during the previous year Clemens had planned to augment his reputation and income by publishing a book. First he considered writing about the Mississippi and his four years as cub and pilot. Now Webb, who had a firm belief in Mark Twain's rising literary star, proposed to edit a collection which would include the "Jumping Frog" and a number of miscellaneous pieces. For a share of the book's earnings Webb would do all the work and would contribute his nom de plume, John Paul, with which he already had won something of a following. Webb arranged for Sam to bring the manuscript to George Carleton, an established, aggressive, and inventive publisher who, through low prices and unorthodox advertising, sold Holmes and Victor Hugo to the burgeoning middle classes. When Sam, full of trepidation, called at Carleton's office on Broadway, meekly explained his way past a clerk, and confronted Carleton with the manuscript, it was not the first time he had given the publisher a chance at the Frog. Carleton was the man to whom the story had been sent originally, in 1865, for inclusion in a book of Artemus Ward's. Claiming that it had arrived too late, Carleton had sent it on, without enthusiasm, to the *Saturday Press*. Any number of objections would have run through his mind when he talked to the author: Mark Twain was still a relatively unknown name in the East; the Frog was two years old and could be considered to have jumped himself out, for the story had appeared not only in newspapers and magazines but even in a pirated collection called *Beadle's Dime Book of Fun;* many of the other sketches were hardly high enough above the level of humorous journalism to dizzy the beholder; and in any case the book was a miscellany of old material. Carleton rained objections. "Books—look at those shelves," he said in dismissal. "Every one of them is

loaded with books that are waiting for publication. Do I want any more? Excuse me, I don't. Good morning."

The shock of this rejection was magnified two months later when Sam learned that Carleton, for all his objections, had taken on a comparable miscellany by Bret Harte. Tell Bret Harte, Clemens wrote to a friend in California—he could have written to Harte himself if he had not been so angry—that his publisher is "a Son of a Bitch who will swindle him. We of Bohemia keep away from Carleton's." He could never forget the rejection. Ten years later it was still festering: "Carleton insulted me in Feb. 1867; and so when the day arrives that sees me doing him a civility, I shall feel that I am ready for paradise." After twenty-one years, during which Carleton was near or at the head of that hate list which Clemens kept and rarely trimmed, he met the publisher in Lucerne and heard from him an apology and a confession: "I refused a book of yours and for this I stand without competitor as the prize ass of the nineteenth century." Whether the apology was really as perfect as this or whether Clemens was giving the shape of daydream to some fragments of facts, the cycle was complete, the old hurt acknowledged if not redressed. For the moment, though, in the face of what seemed a crushing rejection, Clemens fell back on Webb's belief in him. They made an oral agreement (something that led to disaster later on): Webb would produce and manufacture the book himself, arrange for the American News Company to distribute it, and pay the author a ten per cent royalty.

Clemens had approached Carleton with the trepidation of an unknown author. Now he approached another opportunity with the swagger of a toughened journalist. "Prominent Brooklynites," he reported to his paper, "are getting up a great European pleasure excursion for the coming season, which promises a vast amount of enjoyment." He was determined and confident that the proprietors of the *Alta California* would see the trip as he saw it: as a unique kind of voyage which offered him as a journalist the double challenge of observing the sightseers as well as the sights. The Brooklynites were members of Plymouth Church, and the plan had begun with Beecher himself. Having led an expedition to Charleston in 1865 to sanctify the raising of the Union flag over Fort Sumter, he wanted to lead an expedition to the Holy Land, where, in the company of his congregation, he would gather local impressions for a biography of Jesus. The man who organized the trip and was to be master of the vessel was one of Beecher's Sunday-school superintendents, Captain Charles C. Duncan. Duncan took the germ of an idea—a private group of passengers on a long voyage—cagily sized up the favoring circumstances of postwar travel hunger and the lure of the Paris Exposition, and came up with the grandfather of the modern luxury cruise. Carefully selected on the basis of character

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left Orion's print shop there to become a pilot. Now Sam spent the weekend in the city's fashionable hotel, a visiting celebrity greeted by posters which announced a lecture to be given by "Sam. Clemens, the greatest humorist in America." The newspapers welcomed "the most extraordinary delineator of human character in America or upon the continent of Europe." He was at ease in his lecture to a bigger house than Emerson had drawn, and he was happy and playful. Seeing an old friend in the audience, he qualified his description of a Hawaiian ruler: "One of the greatest liars on the face of the earth, except one, and I am very sorry to locate that one right here in Keokuk, in the person of Ed Brownell." Another lecture in Quincy, Illinois, and then he started on the return trip to New York. The farther he got from home the more attractive the fields and cities of the republic seemed as he looked at them from the express. What he saw now was not the black pall that had hung over Pittsburgh on the trip west, but, all the way through Ohio and New Jersey, wonderful cities, "so cheerful and handsomely built, and so fiercely busy. It is good to come to the States occasionally, and see what a great country it is."

IV

In New York Clemens found waiting for him a check from the *Alta California* for his passage on the *Quaker City*. Frank Fuller had got the sponsorship of two hundred Californians for the lecture Clemens was to give a few days after publication of *The Celebrated Jumping Frog of Calaveras County, and Other Sketches*. James Russell Lowell, Clemens heard, had declared the title piece to be "the finest piece of humorous writing ever produced in America." The cards finally appeared to be stacked right, and on the strength of this he moved out of his rooming house and into the elegant Westminster Hotel on Irving Place. "Full of 'bloated aristocrats,'" he described the hotel for his family, "and I'm just one of *them* kind myself." He was pleased with his book when the first copy came from the binder near the end of April; the gorgeous gold frog stamped on the plum-colored cloth cover seemed to him worth the $1.50 all by itself. Webb had done everything—selected the contents, read proof, designed the book. In his preface he introduced Mark Twain as an author "too well known to the public to require a formal introduction." This author, Webb wrote, had already won for himself the sobriquets of "Wild Humorist of the Pacific Slope" and "Moralist of the Main," and unlike others—Webb's allusion was to Artemus Ward, Petroleum V. Nasby, and Josh Billings—Mark Twain did not have to resort to tricks of spelling or "rhetorical buffoonery" for his success.

"*The Jumping Frog* by Mark Twain will to-day jump down the popular throat": With this mouth-watering announcement in the New York *Times* on April 25 Webb offered Mark Twain's first book for sale through the American News Company. A few days later the author reported to his California paper that the book was handsome, readable, and selling well, and a shipment was on its way to the Coast. To Bret Harte, still in San Francisco working in the United States Mint, he wrote about the book in quite another vein: "It is full of damnable errors of grammar and deadly inconsistencies of spelling in the Frog sketch because I was away and did not read the proofs." And he added, "I am to lecture in Cooper Institute next Monday night. Pray for me."

Flamboyant and openhanded, Fuller aimed higher than Irving Hall or one of the smaller New York theaters and engaged the Great Hall which Peter Cooper had built a decade earlier and which had served as forum for Lincoln and Garrison. It was the largest auditorium in the city and, for a lecturer, the most august. Once the move had been made—Fuller put up five hundred dollars of his own money for hall rent and advertising—they discovered that May 6 was an inauspicious evening for a debut. Clemens was going against formidable competition: at Irving Hall Schuyler Colfax, Speaker of the House and, until the Crédit Mobilier scandal ended his political career, a contender for the Presidency, was lecturing on his trip across the United States; the Italian tragedienne Adelaide Ristori, whose repertory, although exclusively in her native tongue, still brought her full houses across the country ("It beats me entirely," Clemens confessed; "I believe the newspapers can do anything now") was giving a farewell performance; and the Academy of Music offered its stage for the debut of a troupe of Japanese acrobats, tumblers, jugglers, magicians, and contortionists.

The clusters of handbills advertising Mark Twain's lectures dangled, unplucked, in the omnibuses. The distinguished people to whom Fuller sent invitations—with Horace Greeley and Peter Cooper constituting what Clemens called the "tone-imparting committee"—all sent their regrets. Despite an elaborate eight-page prospectus and the lure of a celebrity, Senator James W. Nye of Nevada, who would introduce the lecturer, there was no box-office traffic at Chickering and Sons of 632 Broadway and at the principal hotels, where tickets for a serio-humorous lecture on "Kanakadom, or the Sandwich Islands," could be had for fifty cents. "Everything looks shady, at least, if not dark," Sam wrote home five days before the lecture, but it was too late to withdraw. "Let her slide! If nobody else cares I don't." He did care; his lecture career in the East was at stake, and the prospect of an empty house in New York was as terrifying as that of an indifferent one had been in San Francisco. A few days in advance Fuller rescued the venture from disaster by papering the house. With bushels of

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free tickets he drew in the schoolteachers, "the choicest audience," he told Clemens, "the most intelligent audience, that ever a man stood before in this world."

Uncomfortable in the new claw-hammer coat that Fuller had insisted he buy for the occasion, Clemens arrived at the hall early, and worried. There had been no word from Nye, and the Senator never did show up; at a time when the impending release of Jefferson Davis from a Federal prison was stirring up the old hatreds Nye, who thought of Clemens as "nothing but a damned secessionist," was guided by clear self-interest. But the full house that Clemens found--over two thousand schoolteachers and Californians, representing altogether about thirty-five dollars in paid tickets --made up for the betrayal. He spoke his own introduction, looking for a tiny Nye in the cracks between the floorboards as he might look for a bug or a penny. Then he poured out the Sandwich Islands, and for an hour and a quarter he was in Paradise.

"The house was crowded, on that occasion, but it was not my popularity that crowded it," Clemens was to write to his fiancée a year and a half later. "The exertions of my friends did *that*. They got up the whole thing--suggested it, engineered it, and carried it through successfully. If any man has a right to be proud of his friends it is I, thy servant." This was after a breakfast with Fuller, who had given him a sheaf of lecture reviews which Clemens proudly enclosed with his letter. Among them was a *Tribune* review written by Ned House, described by his friend as "the most eminent dramatic critic in the Union."

> The chance offering of "The Jumping Frog," carelessly cast, eighteen months ago, upon the Atlantic waters, returned to him in the most agreeable form which a young aspirant for popular fame could desire [House wrote]. No other lecturer, of course excepting Artemus Ward, has so thoroughly succeeded in exciting the mirthful curiosity, and compelling the laughter of his hearers. Mark Twain's delivery is deliberate and measured to the last degree. He lounges comfortably around his platform, seldom referring to notes, and seeks to establish a sort of button-hole relationship with his audience. He is even willing to exchange confidences of the most literal nature. The only obvious preconcerted "effect" which he employs is a momentary hesitation or break in his narration before touching the climax of an anecdote or witticism. But his style is his own and needs to be seen to be understood.

The other reviews, too, in the *Times* and the *World*, were all he might have wished, and, sifting down through the newspaper exchanges, they were copied in Cleveland and Chicago, in Buffalo and Washington, in railheads and freshwater ports, in cities prosperous with ore and cattle, corn and wheat.

The aftermath of this debut was a month of depression. He was worn out and miserable, restless, full of self-accusation, worried about his neglected correspondence for the California paper. One midnight, only a few weeks away from the pieties and restraints of the European excursion, he was arrested for brawling on the street, and he spent the night in a New York jail. In the courtroom lockup the next morning he found himself in the company of the city's derelicts—drunks, a man with a battered and bleeding head, streetwalkers, an old lady who offered him a swig from her gin bottle in return for some tobacco. There he saw scribbled on the wall, in mocking parallel to the blithe advertising he had written for his San Francisco lecture, the line "The Trouble will begin at eight." He thought briefly of contesting his imprisonment. The judge assured him this would not be worth the bother: he had not been booked, and no one would know he had spent the night in the station house unless he told it himself. He told it himself, to his California readers, and he told them more about the lower depths at Harry Hill's, a "concert saloon" notorious for its low entertainment, flowing liquor, and available waitresses and therefore on the basic itinerary of visiting journalists, preachers, and reformers. He had declined to see one of the [illegible] ladies home. In his account of his visit he took a stance that he could only [illegible] polished: the genteel naif, the same bookish dupe who, having once listened to Simon Wheeler telling a story about a man named Smiley and his frog, now claimed to believe that Harry Hill's rumhole was the meeting place of philosophers and savants, that the wise man with the lady on his lap was Professor Morse and the sage treating the house to a round was Professor Agassiz.

He resumed his correspondence with the *Alta California* on May 17, and he wrote four letters in four days, fifteen thousand words or so in all, a pace which he scarcely relaxed during the three weeks before sailing. In search of copy he visited the Blind Asylum, Bible House, Henry Bergh's A.S.P.C.A., the Academy of Design, Greenwood Cemetery, and Central Park. After a trip through the Five Points and the city's worst slums, the moralist and realist, who was shortly to become a rich man himself, declared: "Honest poverty is a gem that even a King might feel proud to call his own, but I wish to sell out. I have sported that kind of jewelry long enough. I want some variety. I wish to become rich, so that I can instruct the people and glorify honest poverty a little, like those good, kind-hearted, fat, benevolent people do."

Amidst his dutiful reportage—New York for all its promise failed to spark him to any higher level—there are flickering images of a more per-

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sonal urgency and reality, images of the passing of an older order. The onetime bushwhacker saw Jefferson Davis, three weeks short of fifty-five, standing at midnight on the sidewalk outside the New York Hotel. The man who had been, as Sam Clemens now saw him, "the head, and heart, and soul, of the mightiest rebellion of modern times" went about his business as unheralded as any country merchant visiting town. The live body of the Confederate President was on its way from a Federal prison to twenty-two years of freedom and oblivion. Early in June there arrived from England the dead body of Artemus Ward, on its way to burial in Waterford, Maine, where, as he used to say, he had been born of parents, and where the schoolchildren would soon strew flowers on his grave. At thirty-three, the watershed age, Ward was the victim of tuberculosis, alcohol, and the overwork of pleasing an insatiable public. Long ago his pseudonym had become his identity—Artemus Ward had swallowed up Charles Farrar Browne—and this problem, along with his mantle and following, now passed on to his friend and protégé.

During the week before the *Quaker City* sailed, with little left to do but buy cigars and seagoing clothing and put off packing his trunk, Clemens turned against himself. The last six months now seemed to him altogether without point or consistency. As a traveling correspondent he saw himself as a failure: corresponding was "a perfect drag," his *Alta California* letters were "the stupidest letters that were ever written from New York," and he was worried that once he was abroad he would be unable to fulfill his *Alta California* commission and a commission he had just received from Horace Greeley's *Tribune*. Despite his early reports, *The Celebrated Jumping Frog* had been far from a success. Three years later, in the constant process of revising and dramatizing his own history which was to culminate in his autobiography, he told the editor of a biographical compendium that he had expected the book to sell fifty thousand copies and it sold fewer than four thousand. Now he authorized Fuller to collect whatever royalties the book might earn and to send them on to Jane Clemens, even though if she counted on them, she might be reduced to abject poverty. It would never earn anything worth a cent, he told his family, and with a rationalization born of adversity he explained, "I published it simply to advertise myself—not with the hope of making anything out of it." All winter long he had tried to find a publisher for a book about the Sandwich Islands; even late in May he still had hopes, and he planned to leave Fuller in charge of these royalties as well. But on the eve of sailing he admitted defeat, withdrew the book, and tried to salvage something out of the rejection: "It would be useless to publish it in these dull publishing times." Shaken but toughened by these two projects, he had developed a cannier and more deliberate view of his career as an author. Sizing up the potential of the *Quaker City* voyage, he told Mortimer Neal

Thomson, a min[illegible] humorist who wrote under the name "Philander Q. Doesticks," that if there was any book matter there he proposed to extract it. He had looked into the economics of subscription publishing, and he made a decision that defined the direction he was to go in and the kind of books he was to write: there was no point to writing and publishing a book, he decided, unless it earned a good deal of money.

The New York to which he had come with high expectations now seemed "a domed and steepled solitude, where a stranger is lonely in the midst of a million of his race" and "walks his tedious miles through the same interminable street every day," homeless, restless, in a state of uneasy excitement but sapped of the capacity for pleasure and curiosity. It had become a Baudelairean city of specter-thronged streets, not Walt Whitman's million-footed Manhattan, hive of democracy and temple of brotherhood. The Wild Humorist of the Pacific Slope had to apologize to his California readers for his mood. He has wandered into the wrong vein in summing up New York for them, he says, and he will try again; his repression has spilled over its private confinements. But a day later, in his final letter, he was scarcely improved. He has seen all there is to see, yet there was something missing every time. "I guess that something was the provincial quietness I am used to": he was trying to joke away an uncomfortable line of self-questioning.

He returned again and again to this something that was missing, in the letters he wrote to his family before sailing; they are almost the last truly intimate, truly inward letters he was to write to them, the letters of a private personality not yet yoked to a public one. He was maddened by the endless delays of his last torpid week in New York, he told them; he neglected every duty, and his conscience tore at him "like a wild beast." He had complained bitterly about Orion's thoughtlessness in sending him on some errand connected with his law practice. "I will have to get even with him for this somehow," he told Orion's wife. "He could have had all this attended to by writing to the man instead of to me." But he also knew he had promised his family he would go to Washington and try to lobby some sort of clerkship for Orion. He had been too busy, he had failed Orion, and he was afraid to ask how Orion's law practice in Carson City was coming along—he knew the answer. (Characteristically, Orion had been left out of the distribution of offices when Nevada became a state.)

Six years earlier, from New Orleans, where he was between piloting hitches, Sam had written for Orion an account of a visit to a local fortune-teller, Madame Caprell. The lady's analysis was so critical that it is likely Sam was simply using her as a mouthpiece for lecturing Orion. "In nearly all respects," the lady was supposed to have said to him, "you are the best sheep in the flock. Your brother has an excellent mind, but it is not as well balanced as yours. I should call yours the best mind altogether; there is

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more unswerving strength of will and set purpose and determination and energy in you than in all the balance of your family put together." As for Orion: "He never *does* do anything if he can get anybody else to do it for him, which is bad. He never goes steadily on till he attains an object, but nearly always drops it when the battle is half won; he is too visionary—is always flying off on a new hobby." And since that session with the deltaic sybil Orion's retreats and hesitations had filled Sam with bafflement, rage, pity, sardonic glee, but mostly guilt: the younger brother had triumphed over the older brother, in the same way that, in a certain sense, he had triumphed over his father and over his brother Henry—scalded to death in a steamboat explosion in 1858—just by outliving them. Clemens felt that he could find peace only in excitement, that only restless moving from place to place could numb his guilt. "My mind is stored full of unworthy conduct toward Orion and towards you all," he wrote home. "I have got a spirit that is angry with me and gives me freely its contempt."

The day before he sailed he wrote goodbye to an old Hannibal friend, Will Bowen; they had sat out the long mornings in Dawson's schoolroom together and later had been pilots together. Clemens' letter was blithe and overassertive to the point of being truculent, but there were some dark notes. The *Quaker City* passengers were tiptop, he said; he expected to have a jolly, sociable, homelike time of it for the next five or six months; he was going for fun only and did not expect to work hard at all—he could do his correspondence with his left hand, he said, at least until he got to Egypt. What sobered him was the thought of the return trip, and, thinking that far ahead, he decided that he might ship out again in November, "if I don't like to land when we get back." "I have a roving commission," as he had had for fifteen years as itinerant printer, river pilot, Western miner and journalist. "There is no unhappiness like the misery of sighting land (and work) again after a cheerful, careless voyage." Leaving his trunk for the last moment, he set off on what he remembered early the next morning as nine hours of farewell dinners and wine-drinking.

CHAPTER TWO

"The tide of a great popular movement"

I

EARLY SATURDAY AFTERNOON, June 8, 1867, the steamer and auxiliary sailer *Quaker City* left her Wall Street pier in a heavy rain. The weather turned rough, and she soon dropped anchor off Sandy Hook and waited there until Monday morning, riding out the storm, the Sabbath, and the first prayer meetings. It was clear that the stomachs and devotions of the seventy-five or so passengers would need considerable cosseting, and if the cruise was not quite a funeral excursion without a corpse—Clemens' epitaph for it when it was all over—neither could it be a picnic on a grand scale with young people playing cards, drinking, and dancing nightly to fiddles, flutes, and a snare drum. Creating the conditions for satire, Clemens had almost deliberately misapprehended the character of the venture from the very start. It was born under the auspices of Beecher and Plymouth Church, and it was headed for Palestine; the passengers had to be able to afford a five-month vacation and, in addition to $1,250 for passage, at least five hundred dollars in gold for expenses on land. By no strange process of natural selection most of the people on board were late-middle-aged, prosperous, pious, and abstinent.

There were exceptions. Clemens' roommate, Daniel Slote, was fifteen years older than he, fattish, balding, pampered by his mother and sisters in Brooklyn, and the owner of a commercial stationery firm. Still, he seemed "splendid, immoral, tobacco-smoking, wine-drinking, godless"; he would share two cases of champagne that an importing house had sent Clemens as a bon-voyage gift. And there were younger men, too, who offered the sort of harmonious diversity Clemens found all too little of on

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Later on only hypodermic injections helped. "I can't hurry this dying business," he said to Paine. "Can't you give me enough of the hypnotic injunction to put an end to me?"

In New York on January 5, 1910, a day before he sailed to Bermuda, he had his last meeting with Howells. They talked about labor unions as the "sole present help of the weak against the strong"; they also talked about dreams. "You never wrote anything greater, finer than that turning point paper of yours," Howells wrote two weeks later, and Clemens, cherishing this praise as much as he had cherished Howells' review of *The Innocents Abroad* forty years earlier, wrote across the top of the page: "I reckon this spontaneous outburst by the first critic of the day is good to keep, ain't it, Paine?"

He began to fail rapidly in Bermuda, was afraid that he would die there and lie in an undertaker's cellar. Paine came for him, and they sailed for home on April 12. On the trip back Clemens drowsed under the morphine, and when he half woke he talked about his dreams: He was at some college, on the platform, but by now he had had his fill of honors—"Isn't there something I can resign and be out of all this? They keep trying to confer that degree upon me and I don't want it." Or there was a play, but he could never find anyone to be the general manager—the Superintendent of Dreams had gone for good. At Stormfield before he slipped into coma his last continuous talking was about "the laws of mentality," about Jekyll and Hyde and dual personality. To the end he remained as much an enigma and prodigy to himself as he was to the thousands at the Brick Presbyterian Church in New York who filed past the casket, topped with a single wreath of laurel, where he lay in a white suit.

NOTES

The notes that follow are keyed to the text by page number and catch phrase. In general I have cited primary sources only. The following abbreviations and short titles have been used:

PERSONS

EB	Elisha Bliss
OLC	Olivia Langdon Clemens
MMF	Mary Mason Fairbanks
FBH	Francis Bret(t) Harte
WDH	William Dean Howells
HHR	Henry Huttleston Rogers
JHR	James H. Riley
WR	Whitelaw Reid
JHT	Joseph Hopkins Twichell

BOOKS, PERIODICALS, AND MANUSCRIPT SOURCES

AL	*American Literature: A Journal of Literary History, Criticism, and Bibliography*, Durham, N.C., 1929—.
AU-1924	Albert Bigelow Paine, ed., *Mark Twain's Autobiography*, 2 vols. New York: Harper and Brothers, 1924.
AU-1959	Charles Neider, ed., *The Autobiography of Mark Twain*. New York: Harper and Brothers, 1959.
Barrett	Clifton Waller Barrett Library of American Literature, University of Virginia, Norfolk, Va.
Berg–NYPL	Henry W. and Albert A. Berg Collection, New York Public Library.
BM	Samuel C. Webster, *Mark Twain, Business Man*. Boston: Little, Brown, 1946.
Bowen	Theodore Hornberger, ed., *Mark Twain's Letters to Will Bowen*. Austin, Tex.: University of Texas, 1941.
Brown	Franklin Walker and G. Ezra Dane, eds., *Mark Twain's Travels with Mr. Brown*. New York: Alfred A. Knopf, 1940.
Eruption	Bernard DeVoto, ed., *Mark Twain in Eruption*. New York: Harper and Brothers, 1940.
F	Dixon Wecter, ed., *Mark Twain to Mrs. Fairbanks*. San

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	Marino, Calif.: Huntington Library, 1949.
✱ *L*	Albert Bigelow Paine, ed., *Mark Twain's Letters*, 2 vols. New York: Harper and Brothers, 1917.
Life as I Find It	Mark Twain, *Life as I Find It*, ed. Charles Neider. Garden City, N.Y.: Hanover House, 1961.
✱ *LinL*	Mildred Howells, ed., *Life in Letters of William Dean Howells*, 2 vols. Garden City, N.Y.: Doubleday, Doran, 1928.
✱ *LL*	Dixon Wecter, ed., *The Love Letters of Mark Twain*. New York: Harper and Brothers, 1949.
MF	Clara Clemens, *My Father, Mark Twain*. New York: Harper and Brothers, 1931.
MMT	William Dean Howells, *My Mark Twain*. New York: Harper and Brothers, 1910.
✱ *MTH*	Henry N. Smith and William M. Gibson, eds., *Mark Twain–Howells Letters*, 2 vols. Cambridge, Mass.: Harvard University Press, 1960.
MTN	Albert Bigelow Paine, ed., *Mark Twain's Notebook*. New York: Harper and Brothers, 1935.
✱ MTP	Mark Twain Papers, University of California Library, Berkeley.
NF	Kenneth R. Andrews, *Nook Farm: Mark Twain's Hartford Circle*. Cambridge, Mass.: Harvard University Press, 1950.
Paine	Albert Bigelow Paine, *Mark Twain, A Biography*, 3 vols. New York: Harper and Brothers, 1912.
Record	Arlin Turner, *Mark Twain and G. W. Cable: The Record of a Literary Friendship*. East Lansing, Mich.: Michigan State University Press, 1960.
Speeches	*Mark Twain's Speeches*. New York: Harper and Brothers, 1923.
TIA	D. M. McKeithan, ed., *Traveling with the Innocents Abroad*. Norman, Okla.: University of Oklahoma Press, 1958.
W	Albert Bigelow Paine, ed., *The Writings of Mark Twain*, "Definitive Edition," 37 vols. New York: Harper and Brothers, 1922–25.
Yale	Yale University Library.

Chapter One (pages 13–38)

14. "Necessary stock in trade": SLC to Orion and Mollie Clemens, Oct. 19, 1865, from San Francisco (MTP).
14. "More friends": *BM*, 89.
15. Pistol to his head: The most explicit of SLC's several references to the episode is a marginal comment, Apr. 21, 1909, in his copy of J. R. Lowell's *Letters*, quoted in Los Angeles *Times*, Apr. 15, 1951.
15. "Bohemian from the sage-brush": Albert S. Evans ("Amigo") in Gold Hill *News*, Feb. 11 and 19, 1866, quoted in *Mark Twain, San Francisco Correspondent*, ed. Henry Nash Smith and Frederick Anderson (San Francisco, 1957), 39–40.
15. Venereal disease: Also Artemus Ward to SLC, January 1864, Austin, Tex. (MTP): "Why would you make a good artillery man? Because you are familiar with Gonorrhea (gunnery)." Paine omits this passage, which may be just a pointless joke, from his text in *L.*, 93–94.
16. "I'd rather": *MTN*, 35. Wakeman is described in his daughter's introduction to his autobiography, *The Log of an Ancient Mariner* (San Francisco, 1878), 10.
17. "Out of luck": *MTN*, 47.
20. "Well, James": WDH, *Literary Friends and Acquaintance* (New York, 1910), 35–39.
21. "Make your mark": *Brown*, 176.
21. "Hard even for an American": *Brown*, 161.
22. "Clipper built girls": *Brown*, 88–89.
23. "I'll not do it yet": *BM*, 90–91.
24. "He went marching": *Brown*, 91–94. Beecher's pulpit style and mannerisms: David Macrae, *The Americans at Home* (New York, 1952), 65–71; Constance Rourke, *Trumpets of Jubilee* (New York, 1927), 149 ff.
25. "That old day": SLC to Edward House, Jan. 14, 1884, Hartford (Barrett–photostat in MTP). SLC recalled the meeting in a letter to Charles H. Webb, Feb. 16, 1866, Darjeeling (Yale).
26. George Carleton: *Eruption*, 143–46.
27. "Son of a Bitch": *MTH*, 133.
27. "Carleton insulted me": *MTH*, 132.
27. "Prominent Brooklynites": *Brown*, 111.
28. "Allow me to introduce": *Brown*, 113–15.
28. "Fumes of bad whiskey": N.Y. *World*, Feb. 16, 1877.
29. He wrote Webb: Mar. 19, 1865, St. Louis (Barrett–photostat in MTP).
30. Mercantile Hall: For SLC's promotion campaign and the text of his talk see Fred W. Lorch, "Mark Twain's Sandwich Island Lecture at St. Louis," *AL*, XVIII, No. 4 (January 1947), 299–307.
31. "Pretty complimentary": *Brown*, 136.
31. "One never feels comfortable": *Alta California*, Feb. 5, 1868. SLC used the watch metaphor in *L.*, 116–17. On Feb. 1, 1894, SLC told Frank Fuller: "That old lecture is not in existence—I tore it up. Stanley made a pretty full report of it . . ." (Yale).
31. Lectured in Hannibal: *Brown*, 143–46.
31. "Return and meet grown babies": Hamlin Hill, "The Composition and Structure of *Tom Sawyer*," *AL*, XXXII, No. 4 (January 1961), 386.
32. "One of the greatest liars": Paine, 107.
32. "So cheerful": *Brown*, 156–57.
33. "Damnable errors": *L.*, 124.
33. "Everything looks shady": *L.*, 124.
34. "Damned secessionist": *BM*, 93.
34. "The chance offering": N.Y. *Daily Tribune*, May, 11, 1867. SLC paid tribute to Fuller in 1868 (*LL.*, 26–27) and 1906 (*AU*-1959, 170–73).
35. Night in a New York jail: *Brown*, 187–91. Years later, in a dinner-table conversation with Clara and WDH, SLC said, "I passed a night in jail once. . . . Drunk, I guess" (*MTN*, 401).
35. "Honest poverty": *Brown*, 236.
36. "I published it": *L.*, 127.
37. Mortimer Neal Thomson: Fred W. Lorch, "Doesticks and *Innocents Abroad*," *AL*, XX, No. 4 (January 1949), 446–49.
37. "Domed and steepled solitude": *Brown*, 259–61.
37. "I guess that something": *Brown*, 177–79.
37. "I will have to get even": *BM*, 90.
37. Madame Caprell: *BM*, 52–57.
38. "Full of unworthy conduct": *L.*, 128.
38. Wrote goodbye: *Bowen*, 15–16. SLC's

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than an indulgent husband. He has urged Longmore to make love to his wife; he sees no reason why she should not accept his own relaxed view of the marriage tie; it would remove her from her high moral throne and her ascendancy over him. Of this Euphemia is aware. Her conscience stands firm. In the end her fidelity becomes her instrument of revenge. The Baron is overwhelmed by so much virtue and high mindedness. When his wife closes her door to him, he cannot tolerate the frustration, and Henry James asks his readers to believe that in his despair he blows out his brains. Longmore, who is back in America, is moved at first to rush to her; but he has a second thought. Something holds him back. In the midst "of all the ardent tenderness of his memory of Madame de Mauves, he has become conscious of a singular feeling,—a feeling for which awe would be hardly too strong a name." These are the last words of the tale.

IV

The two preceding tales—those of the recovered statue and the restored topaz—had treated evil and corruption as inexorable historical forces, in an atmosphere bordering on the supernatural and the morbid. In "Madame de Mauves" evil is embodied in the Baron de Mauves, the representative of "Europe," but not as an extra human power. And while Longmore faces corruption as a puritan, he does not see it as a force emanating from the devil himself. Evil is quite simply a part of life; a part of the bad that must be taken with the good. Experience hurts; it does not necessarily kill. The tension of "Madame de Mauves" is less the result of extremes and of shock than of human ambiguities. At the end of the story one feels that the Baron, whatever his moral laxities, had a decidedly rigid wife. On the other hand Longmore invokes our attention in much the same way: he too is "difficult." For what James seems to have converted into this tale is not the person of Sarah Wister, who bore little resemblance to Euphemia Cleve, but his relationship with her in Rome: the young lover is of two minds; yet he is never convinced that he should make

love to Madame de Mauves. He merely seems to feel that in this situation he perhaps should try. "Women were indeed a measureless mystery," Longmore ponders, even as his author had pondered, in looking upon Elena Lowe, or in praising and cancelling out his praise of Mrs. Wister. In "Madame de Mauves" Henry expressed his ambivalent attitude toward the opposite sex: Longmore wonders at one point whether "it was better to cultivate an art than to cultivate a passion." For Henry the answer was clear. He ended not only by cultivating an art, but by channelling his passion into it.

Sarah Wister saved Henry James's letters: they are propriety itself. She remains in them to the end "Dear Mrs. Wister." The letters are warm and gossipy, and charged with friendship and memory. "Never, never have I forgotten," he wrote to her, "how some of the most ineffaceable impressions of my life were gathered . . . fifteen years ago in your society." He was to write in much the same way to Alice Mason (who had been Mrs. Sumner) after the turn of the century: "May *your* way [to Rome] be blessed to you, again, this year—the golden air will bring back something at least of the gilt of the old feeling. I can't think of them, (air, feeling, everything,) without pangs, yearnings, memories, despairs, almost tears."

We seem to catch the image of Mrs. Wister in a tale ("The Solution") written almost twenty years after their springtime in Rome, an elegant trifle, in James's high comic manner, dealing with a young man whose teasing friends tell him he has compromised a young lady. When the young man actually proposes to her, the friends realize they have carried a joke too far and must "disengage" him. To this end the narrator seeks the aid of the charming Mrs. Rushbrook. She accomplishes her task, and marries the young man herself. In the description of Mrs. Rushbrook, James seems to be setting down a sketch of Mrs. Wister as he had known her:

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hot and delivered over to mosquitoes. He accordingly spent some days in Siena; this yielded him an article for the *Atlantic* in which we find him indulging in what was to become a characteristic mannerism in his travel writings—that of imparting a voice to houses, palaces and monuments, and letting them speak to him and to the reader. "We are very old and a trifle weary," the houses in Siena say to him, "but we were built strong and piled high, and we shall last for many a year. The present is cold and heedless, but we keep ourselves in heart by brooding over our treasure of memories and traditions. We are haunted houses, in every creaking timber and crumbling stone."

Into the midst of these colloquies between Henry and the Old World came his elder brother, bringing the power of his unsentimental wit to bear upon the ruminations of the sentimental traveller. This would have been challenge enough, and of the healthiest kind. However he brought with him also old, obscure childhood memories. William, the fresh observer, the quick analyst, the lively eye of Cambridge, was a welcome guest. William, the unconscious bearer of old family wounds, the idealized elder brother—but also the ancient rival of the nursery—was an intruder in Henry's Italian paradise.

1

* From Henry James Jr. in Florence to Henry James Sr. in Cambridge, 2 November 1873:

I wrote to you a week ago, telling you of Willy's being on his way to me—and I had hardly sent my letter when he arrived. He had travelled very fast, stopping only one day in Paris, in his impatience to reach me. A compliment to me! I have delayed writing, as I wished to be able to tell you how he seemed, after a few days' observation. He looks indeed in exuberant health, and I am immensely struck with his change in this respect since I last saw him. He is very much charmed with Florence and spends a great deal of time in going about the streets and to the galleries. He takes it all as easily as possible, of course, but he already manages to do a

good deal and has made a beginning which augurs well for the future. He has fallen upon indifferent weather, but the air is happily still very mild. I find great pleasure in seeing him and have plied him with all imaginable questions about you all. I feel almost as if I had been spending a week in Quincy Street. Would to heaven I could!

From William James in Florence to Mr. and Mrs. Henry James in Cambridge, 9 November 1873:

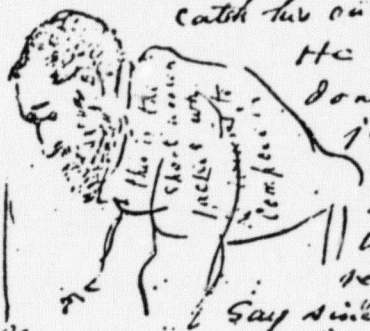
First—of the angel. He is wholly unchanged. No balder than when he quit; his teeth of a yellowish tinge (from the waters of Homburg, he says); his beard very rich and glossy in consequence he says of the use of a substance called Brilliantine of which he always keeps a large bottle on the table among his papers. His clothes good; shoes ditto he having just cabbaged from me the best pair of garters Conol. & Pwr. ever had in their shop as Mr. Power informed me. He seems wholly devoted to his literary work and very industrious. I doubt if I get him home in the spring. The "little affectations" of which Mother spoke I have not noticed. He probably fears me and keeps them concealed, letting them out when foreigners are present. He speaks Italian with wonderful fluency and skill as it seems to me; accompanying his words with many stampings of the foot, shakings of the head and rollings of the eye sideways, terribly upon the awestruck native whom he addresses. His manner with the natives generally is very severe, whereas I feel like smiling upon them and fattening the foot to them all round.

II

It was William James's first journey to Italy and the first time the two brothers had been united on European soil since a faraway German summer of nearly fifteen years before, when their father had deposited them at separate pensions in Bonn. For both, this reunion was bitter-sweet: a mingling of intellectual delight and of hidden ache. Henry felt at times as if Quincy Street had intruded into his private world. William on his side fretted constantly. He felt the weight of his thirty-one years. He

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Harry's room before I left
by the fire writing this letter
which I did not expect to begin
till the afternoon, while he just
at this moment was rising from
the table where his pupils have
been busily scratching away at the
last pages of his Forgiveness article,
comes to warm his legs and
puts on another log, & thus do I
catch him outlaw.



He says I
don't do
justice to his
humour,
which I
regret to
say since the
brilliant success regime has become

WILLIAM JAMES'S SKETCH OF HENRY
From a letter of 1873

recognize, that there was a singular value in having two magazines compete for his work. He told his father his first allegiance was to Howells, and the first question to be settled was whether the *Atlantic* was prepared to match Holland's offer. "I am pretty sure the *Atlantic* would like equally well with *Scribner* to have my story, and I should prefer to appear there. It must depend upon the money question, however, entirely, and whichever will pay best shall have the story, and if the *Atlantic* will pay as much as the other, I ought, properly, to take up with *it*." Holland had proposed $1,000 for the serial. Henry decided he would ask $1,200 from the *Atlantic*, that is, twelve instalments yielding $100 a month. He added that if the *Atlantic* declined, he was ready to take the $1,000 from *Scribner's*. "The writing and publishing of a novel is almost as desirable a thing for me as the getting a large sum for it. The money-making can come afterwards." And he took the precaution to remind his father that this new undertaking might involve some further delays in paying his debts to Quincy Street.

To Howells, Henry wrote briefly and candidly. "Sentimentally I should prefer the *Atlantic*; but as things stand with me, I have no right to let it be anything but a pure money question." Howells fairly promptly accepted Henry's proposal and sent him a contract, giving him the option of terminating his serial before it had run to twelve numbers. Henry approved of this, for he desired above all "to write close, and avoid padding and prolixity." It was the first time that the *Atlantic* had taken a work of his sight unseen, and as yet unwritten.

"My story is to be on a theme I have had in my head a long time and once attempted to write something about," he told Howells. "The theme is interesting, and if I do as I intend and hope, I think the tale must please. It shall, at any rate, have all my pains. The opening chapters take place in America and the people are of our glorious race; but they are soon transplanted to Rome, where things are to go on famously. Ecco. Particulars, in-

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cluding name (which, however, I'm inclined to have simply that of the hero), on a future occasion. Suffice it that I promise you some tall writing. I only fear that it may turn out taller than broad."

"I shall immortalize myself: *vous allez voir*," he told his family. He also announced that he would delay his return to Cambridge. A summer in Europe would speed the writing of his novel. "I perfectly perceive the propriety of getting home promptly to heat my literary irons and get myself financially and reputationally on my legs. I have long tacitly felt it; but the moment for action has come."

THE PALPABLE PRESENT

HENRY'S COURSE WAS NOW CLEAR. HE WOULD REMAIN IN FLORENCE until summer, then travel northward. He planned to sail for home late in August. This would give him margin for a few more travel sketches as well as a running start on his serial. "By the time this reaches you," his mother wrote in April of 1874, "you will be mentally launched upon the largest enterprise you have ever undertaken." Everyone in Cambridge, she told him, was delighted with "Madame de Mauves," "so you must be sure not to fall below that." Henry replied to Quincy Street: "I am determined that it shall be a very good piece of work."

During early April, while he was waiting for final word from Howells, he broke his Florentine stay for an excursion to Leghorn; then he went to Pisa, Lucca and Pistoia, incorporating his impres-

sions in an article for the *Nation* entitled "Tuscan Cities." By mid-April, when he was back in Florence, he had received his contract. He could not face the idea, however, of doing a large piece of work in a small hotel room, and accordingly moved into an apartment at 10 Piazza Santa Maria Novella, on the corner of the Via della Scala. It consisted of a sitting room and balcony, two bedrooms, a scullery and a china closet. He did not need so large a place, but it cost only $25 a month. "Blessed Florence!" he exclaimed to Alice. "My literary labors will certainly show the good effect of my having space to pace about and do a little fine frenzy. Tell William I find the French restaurant in Via Rondinelli, with the lobsters and the truffles in the window, an excellent place to dine, so that I am altogether most comfortable."

Years later he was to remember the setting in which the first chapters of *Roderick* were written—the shabby, charming, high sitting room with the glare of May and June piercing the shutters. Rereading the opening part of the book, which he set in Northampton, Massachusetts, Henry recalled not New England but the Florentine house, and the view his rooms gave on the Piazza: the sleepy cabstand next to the obelisk, the clatter of horse pails, the voices of the coachmen, the siesta stillness—all seemed mixed with his prose.

When he was not writing, he took long walks, and paid calls. "Nothing particular happens to me and my time is passed between sleeping and scribbling (both of which I do very well), lunching and dining, walking and conversing with my small circle of acquaintance," he wrote to his mother. The circle consisted of Mrs. Lombard and her daughter Fanny, of Cambridge, and Greenoughs, Perkinses and Huntingtons. He described himself as reduced to accepting the Lombard parlor gratefully for half an hour on occasion as the nearest approach to a domestic foyer. Mrs. Lombard was a chronic invalid who was always admirably coiffed, a detail which Henry introduced into his tales in describing certain itinerant American ladies abroad. From Quincy Street came the usual warning voice of his mother: "They are both, I

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lives here, and I mean to call on him. Many of his tales were probably written here—which proves that the place is favorable to literary labor."

He did knock on Turgenev's door, only to discover that the Russian was at Carlsbad in Bohemia recovering from a bad attack of the gout. Henry had sent him his article some weeks earlier; and in June, Henry's father had written a rather fulsome letter to the Russian informing him that "my son's high appreciation of your genius is shared by multitudes of very intelligent people here. Should you ever cross the ocean, you must not fail to come to Cambridge, and sit with us on the piazza in the evening, while you tell us between the fumes of your pipe what the most exercised and penetrating genius of the old world discerns, either of promise or menace for humanity in the civilization of the new." Turgenev replied cordially and modestly; he said he considered himself in a second or even third place, when compared with Dickens, George Eliot or George Sand. As for smoking a pipe "under your verandah," he was not a smoker, but he would enjoy "a quiet and pleasant conversation with the intelligent men and women of your society." He doubted, however, whether at his age he would ever cross the Atlantic.

Turgenev's letter to Henry, written from Carlsbad, expressed pleasure in his article as being "inspired by a fine sense of what is just and true; there is manliness in it and psychological sagacity and a clear literary taste." Turgenev himself gave proof of his own psychological sagacity by telling Henry that he found it difficult to judge someone else's critical appraisal: that he felt the praise too great or the blame too weak and this not through "diffidence or modesty," but perhaps because this was "one of the many disguises which self-love enjoys."

"It would please me very much indeed to make your acquaintance as well as that of some of your compatriots," Turgenev concluded, and he gave Henry his permanent address in Paris in the Rue de Douai.

IV

Henry's days in Europe were now numbered. He spent five weeks or more in Baden Baden and by the end of that time could announce to Quincy Street that he had booked his passage. "Be sure about Sept. 4th to have on hand," he wrote his mother, "a goodly store of tomatoes, ice cream, corn, melons, cranberries and other indigenous victuals." Baden was a bore—he had spent there "the dullest weeks of my life," he told Mrs. Wister. With gambling forbidden, the resort was given over to band concerts and tourists, and Henry's greatest solace, when he was not working, was in the walks he took in the Black Forest. "I converse with the waiter and the chambermaid, the trees and the streams, a Russian or two, and a compatriot or two, but with no one who has suggested any ideas worthy of your attention," he said in his letter to the companion of his Roman rambles. He seemed to have made up his mind what he would do once he was repatriated. He would spend the autumn in Cambridge, completing *Roderick*. Then he would try his fortunes in New York. "I have no plans of liking or disliking, of being happy or the reverse; I shall take what comes, make the best of it and dream inveterately, I foresee, of going back for a term of years, as the lawyers say, to Italy."

Henry left Baden-Baden in early August, and then, by a Rhine journey, entered Holland, where he spent some days paying tribute to the "undiluted accuracy of Dutch painters," and relishing that country's "harmonies of the minor key." He contrasted Venice with Amsterdam—the way in which the thrifty city "imparts the prosaic turn to things which in Venice seem the perfect essence of poetry." He admired the cleanliness and ceremonious thrift of the Dutch, but expressed surprise that the canals of Amsterdam and Leyden, in spite of their waterside trees, offered not "a single bench for a lounge and a half-hour's aesthetic relish of the situation." In Belgium he gave much attention to Rubens—painter who, he said, painted by improvisation rather than by reflection. "He never approaches something really fine

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and companies of infantry. These reports tell also how Thomas Morrison mingled in the throng, entreating the rioters to disperse, receiving a rough jostling for his pains and barely escaping serious injury.* But in a certain demonstration Morrison himself assumed the leadership. He could see only one remedy for the existing misery. The masses were suffering because the landed interests, which, despite the great Reform, still controlled both Houses of Parliament, would permit no legislation that did not promote their fortunes. The remedy, Morrison argued, was to place political power in the hands of the people, where it properly belonged; that is, to give them the People's Charter. Let Parliament once become really representative, and legislation would be adopted that would remove the greatest evils—such, for example, as the Corn Laws. There were two classes of Chartists—the physical force men, led by Feargus O'Connor, who advocated armed revolution, and the moral-suasionists, who believed that the necessary changes could be secured, as most political reforms had been obtained in Great Britain, as the outcome of orderly, peaceful discussion. Uncle Tammy was a leader of the latter group. Yet the time came when he grew discouraged at the lack of progress. Failing to persuade the controlling powers by the usual methods, Morrison presently fell in with one plan for peaceful war that has a distinctly modern sound. Why should not the workingmen of Great Britain quietly abstain from labor until their demands were granted? Why should they not refuse to produce another penny's worth of wealth until they had obtained their rights as citizens? This plan was known as the "Peaceful Cessation from Labor"; it was the same thing which today is called the "general strike." A great meeting, held at the Abbey Pends, with constables and companies of infantry watching for infractions of the law, decided to try this experiment in Fifeshire for one week. Acting under Morrison's urging the silent crusaders pledged themselves to obey the law, and, especially during the period of abstention, to refrain from intoxicating drink. A meeting would be held at Torryburn on the coming Saturday, Morrison announced, to discuss the subject in detail.

Soon after midnight the next day Andrew and his family were

*Edinburgh *Scotsman*, August 13, 1842.

awakened by a tap on their window. Neighbors had come to tell them that Uncle Morrison had been arrested and was at that moment lodged in jail. It was an experience which Carnegie liked to relate in after life. The glimpse of his uncle's florid rugged face, his brown whiskers and his fiery little eyes, behind prison bars, was one of the most indelible remembrances of boyhood. Morrison had become involved in a little altercation with the sheriff, though he had been guilty of no disorder—a disagreement that had led to his incarceration. Hence the tap on the Carnegie windows in the early morning. The next few days were exciting. On one occasion Uncle Tom's sympathizers marched to the Town Hall, evidently intent on forcing a jail delivery. The provost became so alarmed that he appealed to the prisoner for help, asking him merely to show his face at the window. The familiar features, looking calmly down at his irritated followers, at once calmed them.

"All my friends fold their arms," said Morrison. Practically everybody obeyed the injunction.

"Now walk peaceably to your homes and obey the laws."

In ten minutes the streets were deserted and the would-be rioters were safely in their beds. Three of the most influential citizens furnished bail for Morrison, but the authorities apparently lost their courage, for the case was never brought to trial. Dunfermline rendered its verdict on the proceedings by electing Morrison to the Town Council. "I remember the cavalry parading the streets of Dunfermline to quell riots," Carnegie said afterward.* "An old lady recently sent me a copy of a handbill, in which an appeal is made for £300 to defend my uncle from charges of conspiracy, in holding a Chartist meeting." "When His Majesty, King Edward, visited Skibo, I showed him the bill, duly framed and hanging on the wall, as my title to nobility."

3

The time presently came, however, when Dunfermline and the Carnegie family lost interest in their riots, their Chartist meetings, even in their anti-war demonstrations. As the forties dragged along, life meant one thing, and one thing only, to the city's sev-

*Letter, November 29, 1913, to John C. Soutar, Dunfermline.

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learning a trade and *bound*, or whether it was designed for working boys whether bound or not? If the former be correct then the managers have certainly misunder[illegible]d the generous donor's intentions—

WORKING BOY

Allegheny City 17th (May) 1853.

Three days later the following notice appeared in the editorial page of the *Dispatch:*

"A 'Working Boy' will confer a favor by calling at our office."

At this meeting Andrew and the librarian amicably settled their differences, with the result that the word "apprentice" was stretched sufficiently to comprehend "working boys though not bound." Naturally Andrew's success gave him a reputation in his circle, and he was so exhilarated that then and there he decided to become a journalist. As telegrapher he had seen much of Pittsburgh reporters and had developed a great liking for them and their craft. The hankering for a newspaper career was not a temporary inspiration, for it recurred several times in succeeding years and the failure to realize these early hopes was frequently a cause of regret. Afterward Carnegie seldom met a newspaper man without confiding the secret yearning that still filled his breast. "The only reason I am not one of you," he would say, "is because no Pittsburgh paper, in those days, would give me a job."

4

ANDREW began writing other letters to the press, his greatest triumph being one concerning the slavery issue in the New York *Tribune*, efforts which naturally enhanced his local standing and made him more than ever a leader of his crowd. These letters probably reflect the discussions that were now taking place in the first academic club of Pittsburgh, the Webster Literary Society, of which Andrew and his group were members. The earliest of these oratorical performances took place in Henry Phipps's shoe shop. Thomas N. Miller—Carnegie's early partner in the iron business—was president. "I was envied," he used to say, "because I sat in a leather

armchair. One night Andy argued for an hour and a half about whether the judiciary should be elected by the people." "We must mercifully assume Tom's memory to be at fault," Carnegie said, commenting on this statement, but existing evidence supports Mr. Miller's recollection, for the Carnegie papers include a mass of manuscript in the familiar handwriting which clearly served as notes for this great effort. They bear the endorsement: "Early boyhood effusions, Webster Debating Society. A. C." The whole performance is quite professional, the "sirs" and "Mr. Presidents" being properly in place, and polite references to "opposing gentlemen" and "Hon. Friends" are in strict parliamentary style. But Andrew found an even more congenial field for airing his views on the problems of the day. His correspondence at this time with Uncle Lauder and his cousin Dod was unremitting. Andrew's ardent Yankee-ism was not entirely satisfactory to his old Dunfermline playmate, who occasionally indulged in scathing references to certain displeasing phases of American life. An amused third party to this argument was Uncle Lauder, who finally suggested that the two boys engage in a transatlantic discussion on the relative merits of the British and American systems, a challenge that Andrew promptly accepted. Especially significant is the fact that with Andrew Great Britain had now become "you" and the United States "we." His early political allegiances were vanishing along with the Scotch burr.

To George Lauder, Senior.

Pittsburgh, March 14th, 1853.

MY DEAR UNCLE:

Dod's letter with Your few lines and the "News" were recd by the same mail and the contents of all have been thoroughly digested over and over again. Dod's letter put me in an awful way. I could hardly forbear from writing him the same hour his came to hand but I concluded (after I had filled three or four sheets in reply) to read some authorities upon the subject before "proceeding to business." I have the characteristics of "our folks" rather "strongly developed" (as Aunt Aitken would say) and am of course therefore a great, or rather small, dabbler in politics, and the proposi-

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tion pleases me first rate. It will no doubt be beneficial to both of us to examine into the systems of Government by which we are ruled and it will prompt us to read and reflect on what perhaps we would never have done without that stimulant. I have therefore accepted Dod's challenge, and am now reading the Early History of our Republic and I find that the obstacles which our revolutionary fathers had to surmount and the dangers they had to encounter were far greater than I had imagined and worthy to take a place among the deeds of Scotland's heroes. I read an article lately in Chambers's *Miscellany* headed "Wallace and Bruce" that pleased me better than anything I had read for a long while. It gave a short history of both and it has exalted even Wallace's character in my eyes. Perhaps you may have read it. I have also a fine copy of Burns' works complete, letters, &c. Mr. McCalla, manager of the Eastern Line, presented it to me as a Christmas gift. It is not quite so thick as your copy but longer. It has several plates and is the best edition published in this country.

I see Dod has a wrong idea in regard to the slave question and as I suppose that is the Monster Iniquity which makes him pronounce this Country "The most tyrannical in the civilized world," I will try to explain the nature of that question in my next letter to him. In my former letters, I would have given you more Buncombe about our Grand, Glorious and Free Republic but I had an idea that it would not interest you. I know that the Laws and Institutions of this country will compare favorably with any other nation on Earth, at least as far as I have seen, and except the relation of Master and Slave, they are a century in advance of European . . .

Dod's contributions to this debate are lost beyond recovery, but two of Andrew's letters survive.

To George Lauder, Junior.

Pittsburgh, August 18, 1853.*

My dear Dod—

In my last letter I promised to tell you how we were governed. Your monarchial statesman, if informed that we succeeded in pre-

*Carnegie's age at this time was seventeen.

serving order (that bugbear of the middle classes) would at once conclude that the dominant race kept the others in absolute subjection, denied them all civil rights, that we employed a large standing army and gigantic police force to keep down the rabble and suppress the numerous riots that would necessarily take place, that the Press, if we had any, was either muzzled or tax ridden (either of which answers the desired purpose), that to whisper a word against the "powers that be" was treason,—in short, that we had all the ingenious contrivances for keeping down the people which Her Majesty's favored subjects Enjoy (!)—only on a more perfect scale. That would be the natural idea of one bred to believe that the people and the governors were distinct and antagonistic, that a certain few were born to rule and the great mass only to administer their desires—of one who saw in government a cover under which a class of drones could feast upon the industry of the Five, protected by "the divine right of Kings." But how erroneous his idea would be! For our government is founded upon justice and our creed is that the will of the People is the *source* and their happiness the end of all legitimate Government.

Such a government needs none of the wretched props necessary to the existence of despotisms. Our army consists of a few thousand men employed in protecting our frontiers from Indian depredations. Our police force is insignificant. Allegheny City, for instance, with a population of 22,000 has but four. We have perfect political Equality, every one has a voice in the Gov't. The press is as free as the air, no security is required for its good behavior—no taxes* upon Knowledge to crush its energies, no limit to free speech. Treason only consists in levying war against U. S. or adhering to our enemies—and still we live in peace, riots are almost unknown. It is strange that with your immense army and police system you cannot keep the peace. Look at Ireland, for instance. Every steamer brings us word of some fresh disturbance or religious riot, while we have no trouble with them. An Irishman becomes a useful and patriotic citizen with us; he feels that he is on an equality with his neighbors, with no drawbacks upon his industry, no merciless landlord to crush him. He applies his energies to

*Andrew is taking a dig at the high newsprint tax in Great Britain, which for years prevented the development of a cheap, popular press.

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the task and in a few years he owns his farm, then sends for his Brothers and Sisters to come to the land overflowing with milk and honey and be respected. They emigrate and follow in his footsteps, and so it is with other nations. They are tax ridden and oppressed in their own countries and forced to seek a home in the new. Here they find no Royal Family (increasing with fearful rapidity) to squander their hard made earnings, no aristocracy to support, no established church with its enormous sinecures, no electoral districts made for a class to overrule the majority, no primogeniture and entail to curse the land and stop improvements in the soil. But why should I enumerate? They find nothing but what has sprung from the People and what they have the power to remedy at once. They find the various reforms which they struggled for at home in successful operation here—indeed I can think of no reform which you have that we do not possess. We have all your good traits, which are many, with few or none of your bad ones which I must say are neither few nor far between. But we go ahead. We now possess what the working classes of Your Country look forward to as constituting their political millennium. We have the charter* which you have been fighting for for years as the Panacea for all Britain's woes, the bulwark of the liberties of the people. If you possess as much freedom as we do, pray why fight for the charter as the great reform of the age—a measure we have had from the beginning? But we are not at a standstill. We have only commenced the great work of reform. Among those we have lately made—I say *made*, for we don't ask our Governors for reforms as favors but demand them as rights—I may mention the abolition of flogging in the Navy—the American sailor is no more degraded by the lash; the cheap postage system—a letter is now carried any distance under 3000 miles for 3¢, cheaper by far than your rates—newspapers are free in the counties where they are published and 25¢ per qr. under 500 miles; the Homestead Exemption Law by which a debtor is allowed from 3 to 500 dolls. in the shape of a home secure from the grasp of a rapacious creditor; abolishment of imprisonment for debt; stringent laws against the *manufacture*

*A reference, of course, to the People's Charter, which figured so largely in the memories of Carnegie's youth. See ante, page 32.

or sale of intoxicating liquors; the latter laws are only in some of the states but likely soon to become universal.

Now all these great reforms were gained without threatening to revolutionize, to burn the books, etc. Oh no! our political engine works so smoothly, no puffing and blowing but everything easy about it. Of course we have a good deal of steam escaping through our safety valve in the form of Buncombe, but that's a good sign, you know. Our representatives are anxious to *anticipate* our wishes in order to gain popularity and are ready to do anything the people want. It would amuse you to see our politicians bowing and scraping to their masters the Dear People—not only at election times, for they have no seven long years to play the traitor. Two short ones brings them home again to give an account of their stewardship and a strict one is demanded for every vote and speech is scattered broadcast through the land by our cheap press, and scanned by their constituents. Our ballot box is to a great extent pure and undefiled. A whisper of "election expenses" as publicly paraded in your newspapers would ruin a man here. Talk of your representative system, look at the large number unseated for bribery. It is shown to be a nest of corruption, a mere sham got up to deceive the people, who (good easy souls) point triumphantly to their Commons and boast that they are the source from whence the Commons spring. How you can pretend to be enjoying freedom with such a disclosure as that staring you in the face surpasses my comprehension. But the best proof of the superiority of our system is seen in the general prosperity and progress of its citizens. Among a multitude of similar instances I will mention the following: We have now in the National Treasury nearly 22,600,000$, our debt is being paid off as fast as it becomes due, our receipts annually exceed our expenditures. Our public lands, of almost unlimited extent, are becoming settled with an enterprising people. Our dense forests are falling under the axe of the hardy backwoodsman. The Wolf and the Buffalo are startled by the shrill scream of the Iron Horse, where a few years ago they roamed undisturbed. Towns and cities spring up as if by magic. Cincinnati Ohio was settled in 1817 and now contains a population of 165,000. Pittsburgh in 1840 had 42 and now numbers 93,000. Nor are these cases remarkable,

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everywhere throughout the Northern states show like results. Our inland trade upon our lakes and rivers exceeds I am told the total commerce of Great Britain—in 1811 the first steamboat that ever traveled the western waters was built at this place. Now 62 steamers, some over 1000 tons burden, are launched from this port every year. Our foreign commerce is now the second in the world and is rapidly taking first position. Britannia rules the waves wont hold true in five years hence. We publish 2800 papers and magazines, 350 of which are dailies—number of copies printed annually estimated at 422,600,000. Every tradesman (I know no family that does not take at least one paper and many who have 2, 3 and 4) has his own newspaper. The N. York Daily Tribune can be laid on his table every morning for 6d per week. Every ward has its splendid public school, where all can attend as long as they deem fit. Our Railroads extend 13,000 miles. You cannot supply iron fast enough to keep us going.* Our Telegraphs embrace 21,000 miles. The country is completely cut up with Railroad Tracks, Telegraphs and Canals. We have about 550,000,000$ invested in manufactures, every business yields a fair remuneration, pauperism is almost unknown. Nor are these the most convincing evidences of our activity. Hundreds of labor saving devices are patented yearly (it don't take a fortune to procure one here) of which Hussey's Reaper serves as a sample. Everything around us is in motion. Mind is freed from superstitious reverence for old customs, unawed by gorgeous and unmeaning shows and forms. This "doing of a thing" because our grandfathers did it I can assure you is not an "American Institution." We have little veneration for those rules and principles rendered sacred by the seal of the "Ancients" whether in church state.

But you may reply, Government has little or nothing to do with the state of affairs. Why then, I would ask, the contrast between the U. States and the Canadas? They were settled by the same people, at the same time, under the same Government—and look at the difference! Where are her Railroads, Telegraphs and Canals? her commercial marine and her unrivalled Steamships? her fast

*A particularly interesting reference. At this time the United States obtained its iron rails from Great Britain,—a situation which Carnegie himself was destined to overturn.

clippers? or her potent Press? We have given to the world a Washington, a Franklin, a Fulton, a Morse—what has Canada ever produced? Ah Dod, "There's something rotten in Denmark!" How can you account for this? Is it not a fair sample of our respective systems? The one exhibits the vigor of manhood, the other the lassitude of old age, and while the one continues in the old well beaten track the other is continually exploring new paths, presenting new truths and acting on new principles which a too conservative world cannot but admire though it dare not imitate. The one is governed, the other rules itself. The one 80 years ago was a feeble confederacy of sickly states, a dependency of the British crown whose voice was never heard among other nations of the Earth. Now its glory is sounded in every land, its flag is respected in every sea, by the working classes it is hailed with delight, and although the despots may abhor it they have sense enough to know that they dare not insult it. Capt. Ingraham at Smyrna exhibited the feeling of our people—the Press teems with approval of his Conduct—and while we are steadily acquiring a strong influence in the affairs of the world Canada remains in servile dependence, "alike unknowing and unknown." The one is "Old England," the other "Young America." That's where the secret lies—

Yours ever,
NAIG

The Crimean War apparently gave a new twist to the discussion. Dod was criticising the United States because it left to Great Britain the burden of stopping the encroachments of Russia on the Turkish Empire. The attention with which Carnegie was following European politics—a study that became a lifelong habit—is not the least striking aspect of his next letter.

To George Lauder, Junior

Pittsburgh, Penna. Feb. 24, 1854.

MY DEAR COUSIN DOD

. . . You boldly ask me why we have not come forward as France and England have to check the usurper and maintain the most sacred right of nations, that of self government. Oh! Dod!

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would lament over its downfall. Our mission as the representative of a new era, as the pioneer of liberty, is to serve as an example to the other nations, to incite them to come up to the true standard, to impel the people to ask and obtain new reforms and go on steadily progressing until the world can bear a peace congress* or a simple Republic. For our own sake as well as for others we ought not to impair our strength or retard our progress by laying down the ploughshare of peace for the sword of war unless compelled to do so in self defence. Our path Dod is plain, we will let Europe manage its own affairs while we take care of the American continent. Let those ruling by divine right fight and quarrel about successions and protectorates while we clear the forests and build schoolhouses preparing homes for the hard working bees forced to leave the old hive.

5

CARNEGIE was eighteen when the above letter was written; it discloses that his mind was rapidly maturing. But his life was not all hard labor and political discussion. A letter written by Thomas N. Miller, fifty years after the time now under consideration, gives suggestions of a lighter side:

From Thomas N. Miller

Home. April 10, 1903.

DEAR ANDY:

I was wondering whether you cared for incidents in your earlier years? Such as our debating society in old man Phipps' shoe shop, when I sat on the leather seat of his cobbling bench and listened to your one and a half hour speech on the question—"Should the judiciary be elected by the people?" Of course, you took the affirmative! In the midst of our debate you were called to go to 26th Street, two miles or so and no street cars, and snow quite deep and falling, but there was a wreck at Derry, and you buttoned

*This seems almost like a faint foreshadowing of universal arbitration or a League of Nations—questions that practically absorbed Carnegie's last years.

your greatcoat on, and were off in a burst of glory, as if going to see your best girl—!

Or your fancies in your *best girl* way? when you said "That's just what I want to test. If anybody else in the world can win her I don't want her!" And the other fellow won—and—were you sorry?

Then your recklessness with horses? But you will deny that. Your love for fine animals, do you still remember dear Dash of Altoona?

And may I mention the awe you felt—or was it exultation?—when I took dinner with you at Scott's and "Beck" Stewart was our hostess? She went out for some service, and you hastily took up a cream pitcher and said "Real Silver, Tom!" . . .

Yours,

T. N. M.

Mr. Miller's letter refers, in the main, to the new era which had now opened in Carnegie's life. The Scott in question was Thomas A., then beginning his career with the Pennsylvania Railroad. Mr. Miller herein recalls an anecdote long told of Carnegie and apparently endorses its authenticity. This concerned a young lady of whom the future steel maker was exceedingly fond and to whom he planned to introduce Mr. Scott. His friends regarded this as a highly dangerous tempting of fortune. "Better not do it, Andy," they cautioned. "Tom Scott is a very handsome man—better looking than you are. He's also very brilliant."

Carnegie answered in the words Mr. Miller quotes: If a girl could prefer another man to him—clearly enough it was not in the stars that she should be his. The introduction took place, and the young woman became Mrs. Thomas A. Scott. Probably this caused Carnegie no lasting discomfiture, as matrimony then was something not seriously entertained.

The lady whose tableware charmed Andrew was Mr. Scott's niece and hostess, Miss Rebecca Stewart, who had a great influence on Andrew Carnegie, especially in mollifying the rough manners of his time and occupation. For Andrew, in his eighteenth year, left the telegraph company and entered the hurly-burly of rail-

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Some day the old home and the new homes, Canada and America, will again be united. The old home, with its limited area and hence small population, alien in Europe, will be forced to look to her mighty children across the ocean, who will not fail to welcome and receive the revered motherland and guard her from all harm. Our Race will then dominate the world and compel peace, banishing from the earth the crime of crimes, the killing of men by men in battle like wild beasts.

Canada will play the part of Scotland on a grand scale, annexing her southern neighbor as Scotland did England for her good . . .

Very truly yours,
ANDREW CARNEGIE

William T. Stead had recently published his brochure "If Christ Came to Chicago"—a title that evidently irritated Carnegie.

To William T. Stead

Allerton, Cannes.
Private 7th January, 1898.

MY DEAR MR. STEAD,

I shall read the book carefully, although the title shocks me. People who deal with "Christ" and "Satan" render themselves liable to the charge of knowing, what the professional says, that "Christ always pays." Shocking, isn't it? Well, these titles, "Christ in Chicago," "Invisible Satan in New York," render it impossible that what you write under them can ever have weight. I wish you would consult me about the title of your next book.

Have you read my article in the *Contemporary* number of November, "Does America Hate England"? I have received some very gratifying responses, including one from Senator Call of Florida, the *Springfield Republican* etc. I tell you that *race* is the potent factor. Mr. Morley of course read the article and disputed that with me, but several reviewers have missed the point also. Mr. Morley said "Look at Cain and Abel, brothers fighting!" I said "That has no bearing; the question is what Cain and Abel would have done had you appeared to take the part of either." My point

is that the United States will take the part of Britain if pressed too far against a combination of other races. You come down here and go yachting with me, and let us see if we can "bunch." I shall look for your January article with deep interest—no denying you're a genius. Homer sometimes nods.

Always yours very truly,
ANDREW CARNEGIE

To J. Astley Cooper

16th October, 1908.

DEAR MR. COOPER:

. . . You give the impression to me that the movement is imperial, i.e., for the British Empire. That is quite proper but I should look askance at any movement which does not embrace the majority of the English-speaking race. When Cecil Rhodes began thinking of Imperialism he went to Lord Rothschild, soliciting his support. The reply was: "This is all very well, provided you can get the American Union to come in; without that it can amount to nothing." A study of the figures soon convinced Mr. Rhodes, and, as you know, he left more of his money to bring American students over here than, I think, for those of all other lands.

I was asked recently if I would write in the Duchess of Sutherland's album, at the place designated, and agreed. She pointed to two words written by Mr. Chamberlain: "Think Imperially." I wrote: "Think Racially."

The destiny the Imperialist has for my native land is unworthy of her. Head of a small section of the race, out of the main current, pushed into the eddy—her place is to be the mother of all her children, revered by all.

Very truly yours,
ANDREW CARNEGIE

3

CARNEGIE nurtured this ideal of eventual British-American Reunion—of "Race Imperialism"—like a jealous lover; any person or

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dian Colonial Airways, Inc., stock with the understanding that Dav... would become an executive with the company. Apparently this didn't work out but there is nothing to indicate whether the failure was d... to David's financial ineptitude or the result of the changing world situation produced by the war.

Clare continued to exhibit an almost maternal interest in David's welfare. As late as 1940 she was writing him notes to remind him to keep a dental appointment with a Dr. Heiser. "I can see there is going to be a race as to which falls out of the plane first—your teeth or you. Enclosed is enough to get you in and out of town for the dentist appointment. If you use this for any other purpose, so help me God, I'll come down the street and personally brain you . . . Love, Clare."

David enrolled in the Ryan School of Aviation in San Diego in early December 1940, and for Christmas the Luces sent him a new wrist watch. Explaining how useful it would be, he said in a letter to his sister:

> In these open planes it is impossible, for me anyhow, to reach for the time. Better if the time has to come to you. My seat belt is always fastened so tightly that my old watch is practically in dead storage. If I unfasten my safety belt to get at the time, I will probably hit a bump and get thrown clear of the plane. If I don't get the time, I will run out of gas and come down in a hurry. The moral is: Never contemplate aviation unless you have a good wrist watch.

Then he added:

> Since December 11, the day I soloed, I have been without friends. You must solo to understand this reaction. At that time I corraled my moneys in company with some other aviators and did a little debauching. Remember no matter how long you live you can only solo once.
>
> The Ryan School gives each solo artist some gold wings. Enclosed herewith are mine. If you manage to outlive me, which I doubt, place said wings on my coffin. This relieves Dr. Austin of the responsibility of covering my abdomen with a white Masonic apron. Anyhow, where I'm going wings won't be the vogue.

David indicated a desire to be accepted at Southwest Airways Training School in Phoenix. This civilian contract operation, offering pilot training for military aides, was owned by John Swope and Leland Hayward. Clare was able to make the arrangements.

The losses Clare suffered as the result of money loaned to her brother apparently had no effect on her affection for him, but they were substantial. In August 1941 she wrote him a very gentle creditor letter beginning:

DEAR DAVID . . . As you know, at various times during the last three years I have made advances to you. Some of these were contributions I was only too glad to make . . . either at times when you needed money or to help you in business.

But as you know, I also made available to you substantial sums which you borrowed and which I have every reason to expect you to repay. These loans total $49,791.84 as follows:

Cash advanced on April 14, 1939, evidenced by your demand note bearing the same date, $12,609.50.

$31,000 principal amount, state of Arkansas three percent Series A Road District Bonds, due January 1, 1949, which were delivered to you on July 29, 1936, when their market value was $25,182.34.

Two thousand shares of American Colortype common stock delivered to you on May 17, 1938, when their market price was $12,000.

Total: $49,791.84.

These figures are correct according to my records, but I would appreciate your confirmation on the duplicate of this letter which I am enclosing.

The way things have gone for you, I don't see how you can possibly make any repayment. Hence, I suppose the best I can do is write it off as an income tax loss. Sincerely, CLARE

There was no love in that signature.

David's response to this letter indicates that the warmth of the brother-sister relationship would survive all sorts of vicissitudes. On many occasions Clare has confessed an inability to understand any mathematical problem by saying "I have to do sums counting my fingers

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ition of the semi literary newspapers of the past. The original capital been quickly exhausted, but in Marshall Field he found a backer took over the bankrupt newspaper and reorganized it, leaving rsoll as editor.

Clare says now that many, many years later, John Courtney Murray, uit theologian, asked her to come to the hospital to see a famous York psychiatrist who was on his deathbed and had expressed a to see her before he died. She says he told her that he was the one brought Ingersoll and Field together—as part of each other's ther- an unlikely statement, since Field had ceased being the doctor's nt long before *PM* appeared.

In 1944 the Bridgeport *Herald* was owned and published by Lipp- Dannenberg. It was rumored that Sydney Carp, a brother-in-law yacheslav Molotov, had financed Dannenberg's acquisition of the paper. In 1936 Madam Molotov had come to Bridgeport and stayed time with her brother-in-law using an assumed name. In Septem- 939 the House Un-American Activities Committee had secured Carp an admission that beginning in 1936 he had brought Soviet to Bridgeport.

n the Bridgeport *Herald* Clare was accused of being anti Semitic s in spite of her speech supporting the Zionist movement—and anti- o—despite her introduction of a resolution calling for racial ity in the armed services and her condemnation of the D.A.R. for ng its Washington hall to Negro singer Marian Anderson. Citing *anity Fair* article which Jay Franklin had written titled "Wanted, tator," Clare's opponents called her pro-Fascist and anti-Demo-

l Morano contributed the one touch of levity to the cam- When it was announced that Henry Wallace would make ed trips into Fairfield County to campaign for Margaret Con- Morano had hundreds of small signs made and distributed in ral areas. They said, "Hide your little pigs . . . Wallace is g."

n election eve the outcome was very much in question. Franklin velt, speaking at Hyde Park to a press conference, said, "Mrs.

Luce is way behind. Her defeat would be a good thing for this country and it's a rough thing to say about a lady."

It was not only rough, it was wrong. When all the votes were counted, Clare had received 102,043 to 100,030 for Miss Connors. Four of the six incumbent Republican Connecticut Congressmen had been defeated, and F.D.R. had been re-elected for his fourth term.

On October 30, 1944—eight days before that election was held—Clare had written her husband a confidential letter beginning with these words:

DEAR HARRY . . . My original intention was to write this as a not-to-be-opened-before-November 8th letter, and to deposit it with Miss Thrasher [HRL's secretary] to be put on your desk November 8th just in case.

Such coyness results from the vanity of a would-be analyst who doesn't want to go out on a limb, yet on the other hand loves to be in a position of having always known it. The desire to be safe in either case is utterly damnable, and so am I.

Still, after long pondering, I stick to my initial intention. If I sent you this letter today I would merely display an annoying case of jitters and I wouldn't be helpful. Here I go out on a limb coyly:

This is the first national campaign in which I have participated knowingly and with a tolerable amount of information. I have gone through this campaign as a partisan. The net impressions of such a novice might be of some significance. . . .

As of today, October 30, I have the feeling that Dewey has lost the campaign, and for the last few days I have tried desperately to find out why.

The Republican campaign hasn't missed a single point. It was an able campaign, well planned and efficiently executed. Nor can I find a single major mistake as to rational articulation. After all, there was definitely a genuine trend away from the fourth term and toward the able young opponent.

So why shouldn't all that add up to victory? Here is the pretty banal conclusion I arrived at . . . the Republican campaign lacked warmth. The lack of warmth I'm talking about is something different from charm, personality, etc. The outstanding lesson of this campaign was to me that the opposition has no chance of winning unless it can impress the nation

[illegible] by the nation itself. In less high-falutin language, the opposition had to show that it not only likes power, but also that it like people. The Republican campaign was able, intelligent. It wasn't humanly attractive.

The lesson to be learned is that the Republican Party must acquir during the next four years a positive and humanly attractive record. Dewe was perfectly capable of licking Roosevelt, but he was incapable of lickin the recent record of the Republican Party.

Possibly Clare put her finger on the Republican Achilles' heel—lack of warmth. In the five succeeding Presidential elections, Dwigh Eisenhower is the only Republican candidate widely regarded as warm human personality. He is also the only Republican to win Presidential election in that period.

Congresswoman Luce was generous in victory. Of the President active opposition she said, "The purge that failed leaves us withou rancor or malice, and we hope that we may all be given greater wisdo and courage to meet the task ahead." After her overpublicized catfigh with Dorothy Thompson, Clare had vowed never again to criticize an other woman, and during the campaign she studiously avoided an comments about Miss Connors. Of her opponent she said, "I wasn running against Miss Connors but against the New Deal and the PAC

There wasn't much doubt of that. John Meldon in the *Dail Worker* headed his account "The People and PAC Versus Clare Luce The Greenwich, Connecticut, *Times* reported "CIO Political Actio Group to Concentrate on Defeating Clare." Frank R. Kent in *The Wa Street Journal* noted *The New York Times* had first reported that Roos velt had said "Clear it with Sidney."

CBL wasn't exactly silent. In the Bridgeport *Post* she is quoted saying "PAC means Party of American Communism." In the Ne York *Mirror* one headline read, "Clare's cocker can lick any dem falla It went on to quote Drew Pearson, who noted that Clare had name her dog "Mr. Speaker" for Sam Rayburn. All this produced a story the Bridgeport *Post* headlined "Clare Luce Denies Training Her Spani to Battle Fala." It is interesting to note that the Atlanta, Georgia, *Co stitution*, the Newport News, Virginia *Press*, the *Christian Scien*

Monitor, The New York Times, and more th[illegible] papers great and small from coast to coast gave promin[ence] Clare's campaign for re-election.

When the returns were analyzed, they revealed that l thousand-vote margin was a much greater victory than it fi for she had received the bulk of her support from the in[de] of Bridgeport, Hartford and Stamford. The working mer of Fairfield County had ignored the orders of their union Clare called the "Broadway-Browder Axis of carpetbag git celebrities" had failed in their efforts to convince her Conn bors that she was a perfidious, part-time obstructionist mer gress. It also revealed that the station-wagon set had not for CBL.

In the aftermath of defeat Mrs. Luce's opponent cha had overpowered the voters with Time Inc. money, and had with Jasper McLevy, the Socialist mayor of Bridgeport, to and split the vote. The official report of expenditures fil behalf by her campaign treasurer discloses that she spent a l $13,000. No single individual, Harry Luce included, ha more than $1,000. Miss Connors reported expenditures of $22,000. But campaign reports, being somewhat imp[er]fect veal what it cost Harry Luce to have Wes Bailey work fu wife's campaign, or what other of her friends might hav services.

In the files from that campaign there is a memorandu Bailey, who had handled Clare's speeches, her advertising appearances. Thinking Clare might lose, Bailey had made he thought were her errors. They were:

1. Her charge that the President lied us into war. ["lied us into a war into which he should have led us."]

2. The statement that she would like to see federal c end to end quietly. [This was a distortion of a quip repor Winchell's column. What she actually said was "If all men who dozed on the floor during the Surplus War Pro had been laid end to end, they would have been much r able." It came out the other way during the campaign.]

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crat-ette." I think that in those years we both acquired a better perspective of each other, our associates, and the world." He found some of the answers to the incessant *why*s which had plagued him all his life.

Congresswoman Luce had retired from elective office, but she was still a public figure. In April of 1947 she accepted an invitation to address the Chamber of Commerce of the state of New York—the first woman guest speaker since that organization was founded in 1768.

In June the Bridgeport Sunday *Post* published a copy of the Congresswoman's letter to Marquis Childs and publicly identified her as the author of the concept which became the Marshall Plan. Al Morano, eager to keep "Sis" alive as a public personality, may have been responsible for sending the Bridgeport *Post* this letter.

In November of that year Clare Luce went to Hollywood to make a screenplay from the book *The Screwtape Letters*, by C. S. Lewis, for 20th Century-Fox. When the project was scrubbed after three months she explained the reasons in a letter to Mr. Lewis.

The book she was assigned to translate into a movie consists of an exchange of letters between Screwtape, a senior Devil—presumably residing in Hell—and Wormwood, a sort of apprentice Evil Spirit on Earth. (Wormwood's task is to capture the soul of his subject. To help him in this, Screwtape sends Wormwood letters of advice.)

Her five-page letter to C. S. Lewis describes what happened to his book, and her screenplay, in Hollywood.

I knew, for example, that the movies are rightly called an industry because they are made like automobiles on the assembly belt. This requires numberless participants in the operation, so that neither author nor adapter would ever be permitted to play a truly creative part in the making of a picture. Yet I imagined that Screwtape was so original, and so unusual a work, and my enthusiasm for it so single-minded and faithful to its intent and spirit, that I could lick the system. I had even counted on Hollywood's indifference to an ignorance of Christian theology as a help.

Hollywood is Christian only in the most attenuated sense of the word. Christian—as Christian as Christmas cards or Easter bonnets. In short, wherever it is box office to be Christian.

Most especially I erred in thinking that Hollywood has no ideas about the Devil. They had many. Some thought Screwtape should be a character

"you love to hate" . . . an Al Capone type . . . or a sadistic, paranoiac manic-depressive, first cousin to Frankenstein's monster. Others thought he should be a character "you hate to love"—the gay, suave seducer—diabolically charming, rather than diabolic. But all agreed on one thing: Screwtape's main job was to tempt "the boy" to get in bed either with the wrong woman for the right reason, or the right woman for the wrong reason.

From the beginning Mr. Zanuck insisted that Screwtape and Hell be offset by the invention of what he called a "deeply human and thrilling boy and girl story strong enough and interesting enough to stand on its own feet."

I shall always remember the expression of incredulity and pity on the face of Mr. Samuel Engel, my producer, when he first realized that I was, as he put it, "on the level about the Devil's existence." Perhaps my real difficulty dated from that hour. Thereafter, Mr. Engel was torn between dreadful alternatives: that I might be daft, or that he might be doomed.

When *Screwtape* was scrapped, Mrs. Luce wrote a movie called *Come to the Stable*. It was the story of the efforts of two nuns to found a hospital for crippled children in Bethlehem, Connecticut. Mrs. Luce gave all her earnings on this picture to the convent of Regina Laudes in that town.

Shortly after she finished *Come to the Stable* the San Francisco Forum invited her to appear as a guest on its lecture series. She asked a fee of $1,500. The director, Dr. Albert Rappaport, objected, saying, "Never in all our history have we paid any outstanding lecturers, such as Thomas Mann, Stefan Zweig or Sir Philip Gibson, more than five hundred dollars." Mrs. Luce's explanation of this was that she preferred to give away large sums.

She didn't go to San Francisco, but that spring she delivered the commencement address at Creighton University in Omaha, Nebraska; instead of an honorarium she gladly received an honorary Doctor of Laws degree.

The ex-Congresswoman's principal interests in the spring and summer of 1948 were Roman Catholicism and Republican politics. She spoke at dozens of Catholic gatherings and accepted an invitation to

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Americans have been born with the advantages of John Quincy Adams: a famous name; a brilliant father who labored unceasingly to develop his son's natural talents; and an extraordinary mother. Indeed he was born with everything to make for a happy and successful life except for those qualities that bring peace of mind. In spite of a life of extraordinary achievement, he was gnawed constantly by a sense of inadequacy, of frustration, of failure. Though his hard New England conscience and his remarkable talents drove him steadily along a road of unparalleled success, he had from the beginning an almost morbid sense of constant failure.

His early feelings of inadequacy, as well as his precocious mind, were evidenced by the letter he wrote his father at age nine:

Dear Sir:

I love to receive letters very well; much better than I love to write them. I make but a poor figure at composition. My head is much too fickle. My thoughts are running after bird's eggs, play and trifles, till I get vexed with myself. Mamma has a troublesome task to keep me a studying. I own I am ashamed of myself. I have but just entered the third volume of Rollin's History, but designed to have got half through it by this time. I am determined this week to be more diligent. I have set myself a stint to read the third volume half out. If I can but keep my resolution, I may again at the end of the week give a better account of myself. I wish, sir, you would give me in writing some instructions with regard to the use of my time, and advise me how to proportion my studies and play, and I will keep them by me, and endeavor to follow them.

"The magistrate is the servant . . . of his God."

With the present determination of growing better, I am, dear sir, your son,

JOHN QUINCY ADAMS

Again, thirty-six years later, having served as United States Senator, Harvard professor, and American Minister to major European powers, he could write sadly in his diary:

I am forty-five years old. Two-thirds of a long life have passed, and I have done nothing to distinguish it by usefulness to my country and to mankind. . . . Passions, indolence, weakness and infirmities have sometimes made me swerve from my better knowledge of right and almost constantly paralyzed my efforts of good.

And finally, at age seventy, having distinguished himself as a brilliant Secretary of State, an independent President and an eloquent member of Congress, he was to record somberly that his "whole life has been a succession of disappointments. I can scarcely recollect a single instance of success in anything that I ever undertook."

Yet the lifetime which was so bitterly deprecated by its own principal has never been paralleled in American history. John Quincy Adams—until his death at eighty in the Capitol—held more important offices and participated in more important events than anyone in the history of our nation, as Minister to the Hague, Emissary to England, Minister to Prussia, State Senator, United States Senator, Minister to Russia, Head of the American Mission to negotiate peace with England, Minister to England, Secretary of State, President of the United States and member of the House of Representatives. He figured, in one capacity or another, in

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territories; (3) Texas was to be compensated for some territory to be ceded to New Mexico; (4) the slave trade would be abolished in the District of Columbia; and (5) a more stringent and enforceable Fugitive Slave Law was to be enacted to guarantee return to masters of runaway slaves captured in Northern states. The Compromise would be condemned by the Southern extremists as appeasement, chiefly on its first and fourth provisions; and by the Northern abolitionists as 90 per cent concessions to the South with a meaningless 10 per cent sop thrown to the North, particularly because of the second and fifth provisions. Few Northerners could stomach any strengthening of the Fugitive Slave Act, the most bitterly hated measure—and until prohibition, the most flagrantly disobeyed—ever passed by Congress. Massachusetts had even enacted a law making it a crime for anyone to enforce the provisions of the Act in that state!

How could Henry Clay then hope to win to such a plan Daniel Webster of Massachusetts? Was he not specifically on record as a consistent foe of slavery and a supporter of the Wilmot Proviso? Had he not told the Senate in the Oregon Debate:

> I shall oppose all slavery extension and all increase of slave representation in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, against all compromises.

That very week he had written a friend: "From my earliest youth, I have regarded slavery as a great moral and political evil. . . . You need not fear that I shall vote for any compromise or do anything inconsistent with the past."

But Daniel Webster feared that civil violence "would only rivet the chains of slavery the more strongly." And the preservation of the Union was far dearer to his heart than his opposition to slavery.

And thus on that fateful January night, Daniel Webster promised Henry Clay his conditional support, and took inventory of the crisis about him. At first he shared the views of those critics and historians who scoffed at the possibility of secession in 1850. But as he talked with Southern leaders and observed "the condition of the country, I thought the inevitable consequences of leaving the existing controversies unadjusted would be Civil War." "I am nearly broken down with labor and anxiety," he wrote his son, "I know not how to meet the present emergency, or with what weapons to beat down the Northern and Southern follies now raging in equal extremes. . . . I have poor spirits and little courage."

Two groups were threatening in 1850 to break away from the United States of America. In New England, Garrison was publicly proclaiming, "I am an Abolitionist and, therefore, for the dissolution of the Union." And a mass meeting of Northern Abolitionists declared that "the Constitution is a covenant with death and an agreement with hell." In the South, Calhoun was writing a friend in February of 1850, "Disunion is the only alternative that is left for us." And in his last great address to the Senate, read for him on March 4, only a few short weeks before his death, while he sat by too feeble to speak, he declared, "The South will be forced to choose between abolition and secession."

A preliminary convention of Southerners, also instigated

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Bent ishes
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'aws of the United States—and if a
.ng."
.ing and commenting upon the names
.e legislature, he stopped when he came
. said he smelled a Nullifier. A legislator
.aving arisen to protest, Benton scowled: "I
. your name, sir. Turn your profile to the audi-
. [Like a fool, Davies complied] . . . Citizens, that
. the profile of a man; it is the profile of a dog." When
. old friend, accidentally failing to remove his hat, asked
a question in the middle of a speech, Benton angrily scolded,
"Who is this man, citizens, who dares to stop Benton in his
speech?" "Aycock, Colonel Aycock," came a dozen voices.
"Aycock? No, citizens, no; not a cock; but a hen rather.
Take off your hat, sir, and take your seat."

In another town, spotting from the platform three of his enemies sitting quietly in his audience while he characterized their resolutions as "fungus cancers," he caustically referred to them by name "as demure as three prostitutes at a christening." When his attention was called to the criticism of a distinguished opponent, he lashed back, "Send him word that Benton says he lied from the bottom of his belly to the root of his tongue." And when, upon his ignoring the greeting of a former friend who had disapproved of his course, that unfortunate gentleman bowed and reminded him of his name, Benton coldly replied: "Sir, Benton once knew a man by that name, but he is dead, yes, sir, he is dead." When he mounted the platform at Fayette, where his life had been threatened if he dared enter the city limits, a body of armed men began an uproar. But according to the Jefferson

Inquirer "in a quarter of an hour the insulters were cowed; and the speech for four hours was received with respect and applause."

But Benton's turbulent tour could not stem a tide much greater than any one man or single state. With undisguised glee Calhoun wrote a friend by summer's end:

> It is said that Benton will not be able to sustain himself in Missouri. His colleague General Atchison . . . says that he has as good a chance to be elected Pope as to be elected Senator.

A friend of Benton's, on the other hand, wrote:

> I am sorry Mr. Benton indulges in so much profanity. Yet in this respect his opponents . . . are not a whit behind. Nine out of twenty-two Democratic papers in the state are unbounded in vilifying him with such epithets as traitor, apostate, scoundrel, barn burner, abolitionist and free-soiler . . . I am afraid Benton will be defeated.

At the close of his tour, confident at least in his outward appearances, Benton addressed a letter to the people of Missouri:

> I know of no cause for this conspiracy against me, except that I am the natural enemy of all rotten politicians. . . . I am for the Union as it is; and for that cause Mr. Calhoun denounced me for a traitor to the South. . . . the signal to all his followers in Missouri to go to work upon me. . . . The conspiracy is now established. . . . Nullification resolutions passed by fraud, which it was known I would not obey. . . . Men appointed to attack me in all parts of the state. . . . Packed meetings got up to condemn me. . . . Newspapers enlisted in the service . . . and many good citizens deceived.

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Fauquier County, Va. Lincoln conferred with Halleck on the military situation and awaited the arrival of Burnside.

January 25, Sunday

HOOKER REPLACES BURNSIDE.

President Lincoln conferred early in the day with Gen. Burnside, who pressed for removal of Hooker, Franklin, and others from command. If this were not done, Burnside would resign as head of the Army of the Potomac. Later in the morning Lincoln told Halleck and Sec. of War Stanton that he was relieving Burnside and naming Joseph Hooker to command the Army of the Potomac. In addition, Lincoln relieved E. V. Sumner and W. B. Franklin from duty with the army. For not quite three months Burnside, who had been reluctant to accept the job in the first place, had commanded the Federal army in Virginia. He had been defeated by Confederates and by mud, and had proved inept, if earnest. Now a new commander was chosen—Hooker, a man who allegedly wanted the job and who was known as a fighter. The news was not unexpected by the army.

In military action Marmaduke's raiding Confederates reached Batesville, Ark.; there was a skirmish near Mill Creek, Tenn., a Union reconnaissance from Murfreesboro to Auburn, Tenn.; and a Yankee scout between Bolivar, Tenn., and Ripley, Miss.

The organization of the first regiment of Union Negro South Carolina soldiers was completed on the Carolina coast.

January 26, Monday

Maj. Gen. Joseph Hooker proudly took command of the Federal Army of the Potomac at Fredericksburg. But Lincoln, in one of his most famous letters, had advice for the new commander: "there are some things in regard to which, I am not quite satisfied with you. I believe you to be a brave and skilful soldier, which, of course, I like. I also believe you do not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable, if not an indispensable quality. You are ambitious, which, within reasonable bounds, does good rather than harm. But I think that during Gen. Burnside's command of the Army, you have taken counsel of your ambition, and thwarted him as much as you could, in which you did a great wrong to the country, and to a most meritorious and honorable brother officer. I have heard, in such way as to believe it, of your recently saying that both the Army and the Government needed a Dictator. Of course it was not *for* this, but in spite of it, that I have given you the command. Only those generals who gain successes, can set up dictators. What I now ask of you is military success, and I will risk the dictatorship."

Skirmishing occurred at Township, Fla.; Mulberry Springs, Ark.; Grove Church near Morrisville, Va., and near Fairfax Court House and Middle-

Cincinnati. For the Confederates, Maj. Gen. W. H. C. Whiting was named to command the Department of North Carolina. Farther down the coast, Confederates carried out a sortie from Battery Wagner on Morris Island near Charleston, S.C. Federal naval forces took Fort Powhatan on the James River. The Union now controlled the James up to Chaffin's and Drewry's bluffs, Va.

President Davis, struck with numerous defeats, wrote to Sen. R. W. Johnson, "In proportion as our difficulties increase, so must we all draw together, judge charitably of each other, and strive to bear and forbear, however great may be the sacrifice and bitter the trial. . . ."

July 15, Wednesday

The violent action of the past two weeks was dissipating now. The draft riots, in their third day at New York, were becoming less virulent. Skirmishing broke out at Halltown and Shepherdstown, W. Va., as Lee's army slowly moved south up the Shenandoah Valley, where it remained for the rest of the month. Other skirmishing occurred near Jackson, Tenn., Forked Deer River, and at Pulaski, Tenn.; and Federals occupied Hartsman, Ky. Sherman pressed Joseph E. Johnston at Jackson, Miss. The pursuit of Morgan increased in strength as the raider moved east from the area of Cincinnati toward the Ohio River. President Davis wrote Lt. Gen. T. H. Holmes in the Trans-Mississippi, "The clouds are truly dark over us." Davis also wrote a long letter to Joseph E. Johnston, with whom he had been bickering over military command and decisions. President Lincoln issued a proclamation of thanksgiving for the recent victories and set Aug. 6 as a day of praise and prayer.

July 16, Thursday

Thousands of miles from the fighting fronts occurred one of the greatest battles of the Civil War period. U.S.S. *Wyoming* under David McDougal was one of several vessels searching for the Confederate raider *Alabama*. Putting in at Yokohama, McDougal found the foreigners huddled about the dock and terrified by a recent order of the Japanese lords to expel all foreigners and cut off the often-used passage into the Straits of Shimonoseki. McDougal moved into the straits and fought the Japanese fleet and shore batteries. Junks and steamers swarmed around him, but he managed to sink some and destroy a few of the batteries. The engagement was fierce but short, and McDougal was victorious. He suffered some damage and had five dead and six wounded. Later an international squadron forced the revocation of the oppressive orders. However, the United States had won its first naval battle with Japan.

Back home Joseph E. Johnston, outnumbered and outmaneuvered, moved to Jackson, Miss., to Sherman's Federals. As part of the campaign

...ishing occurred at Clinton, at Grant's Ferry on Pearl River, and at ...n Depot, Miss. In the aftermath of Gettysburg there was also skir... ...ring at Shepherdstown and Shanghai, W. Va. Morgan continued to ...m in Ohio, but the pursuers were closing in. On James Island, S.C., ...n troops and war vessels beat off a Confederate assault in an engage... ...nt near Grimball's Landing. In Tennessee Federals scouted for a couple ...es from Germantown.

...rom Bunker Hill, north of Winchester, Va., Gen. Lee wrote President ... that "The men are in good health and spirits, but want shoes and ...ng badly. . . . As soon as these necessary articles are obtained, we ...e prepared to resume operations."

The steamer *Imperial* tied up at New Orleans, La., having come down ...ississippi from St. Louis. It was the first boat to travel between the ...reat river ports in more than two years. In New York City the draft ...d run their bloody course.

... *Friday*

...s of lesser engagements included a cavalry fight at Wytheville, Va., ...thwest; skirmishes near North Mountain Station, W. Va., and ...ler's Gap, Va.; skirmishing on Stone's River, Tenn.; and at Bear ..., near Canton, Miss. At Elk Creek near Honey Springs in Indian ... Union Gen. James G. Blunt attacked Brig. Gen. Douglas H. ...'s command. In this, the largest engagement in the territory, the ...ates were forced to retire for lack of ammunition. Included in the ...ants were Federal Negro soldiers opposed to Confederate Indians. ...s operated for four days from New Berne to Swift Creek Village, ...h Ohio Morgan ran into more resistance and faced serious trouble as ...ers fought near Hamden and Berlin.

... *Saturday*

... ASSAULT ON BATTERY WAGNER, SOUTH CAROLINA.

...and shell arched in fiery chorus at Battery Wagner on Morris ... Charleston Harbor. After pounding the Confederate earthworks ...ars, ironclads, and some thirty-six guns, Brig. Gen. Truman ... six thousand Federals made a frontal charge that failed. One ...e of the earthwork fort was seized momentarily, but the attack ...d in the dusk of evening. At the head of the Federal dash was ...rth Massachusetts Colored Infantry, which suffered frightful ...ng the death of its colonel and organizer, Robert Gould Shaw. ...erals, 246 died, 880 were wounded, and 389 were missing for a ... more than 25 per cent, compared to 36 killed, 133 wounded, ... for 174 Confederate casualties out of a garrison of about

and Virginia joining the Confederacy and of the shifting of the capital to Richmond. After discussing the background of secession, the President reported on the raising of armies, the abundant crops, the financial situation, and the eagerness of citizens to join the Army: "To speak of subjugating such a people, so united and determined, is to speak a language incomprehensive to them."

Brig. Gen. William W. Loring was assigned to command the Confederate Northwestern Army in western Virginia. Far to the west a Federal expedition operated from Springfield to Forsyth, Mo., until July 25.

July 21, Sunday

BATTLE OF FIRST BULL RUN OR MANASSAS, VIRGINIA.

"The stirring mass looked like a bristling monster lifting himself by a slow, wavy motion up the laborious ascent," an eyewitness reported. The Union army of Irvin McDowell was advancing to battle. The Federal commander, not knowing J. E. Johnston's men had arrived to swell the Confederate host, moved about 15,000 of his force of some 30,000 men during the bright moonlight night from Centreville around westward and south to turn the Confederate left and achieve surprise. About five-fifteen in the morning the Union artillery north of Bull Run opened fire. Then about eight-thirty the Confederates defending the Stone Bridge were told of the Federal column at Sudley Ford on the Southern left flank. McDowell's advance had been delayed by poor discipline, a night march, and inferior roads. Brig. Gen. N. G. Evans saw the threat and moved a portion of his small command to meet the Federals. The Confederate generals were informed of the surprise by E. P. Alexander and others.

J. E. Johnston and Beauregard, due to a mix-up in orders, had not been able to launch the Confederate drive against the Union left before learning of the well-planned Federal advance. Now the 35,000 Confederates would have to be in the defensive. The main battle began in midmorning as Evans opposed the Union column advancing from Sudley Ford upon the Southern left. He urgently called for help and it soon came, but of necessity by pieces, being brought in from the Confederate right and from encampments at and Manassas Junction. Main help at first came from Barnard Bee, and the Confederates held until nearly noon when increased Federal troops moved into the attack. The Southern forces were compelled to retreat in some confusion, back over Young's Branch to the Henry House Hill. Here they made their stand with Bee, Francis Bartow, Evans, and Jackson. Here came the famous incident when Barnard Bee, who was soon to fall mortally wounded, shouted, "Look! There is Jackson standing like a stone wall! Rally behind the Virginians!" Here was born, in the midst of battle, Jackson's sobriquet "Stonewall." Johnston

May 12, Monday

Farragut's Federal flotilla from New Orleans briefly occupied Natchez, Miss., receiving the surrender of the city from the mayor. To the northeast there was more skirmishing near Farmington, Miss., between men of Halleck's and Beauregard's armies not far from Corinth, Miss. Other skirmishing occurred at Lewisburg, western Va., and at Monterey, Va. Jackson's army left the Franklin, western Va., area for the Shenandoah Valley and Banks' Federals. There was a convention of pro-unionists in Nashville, Tenn., as the military government was taking hold. President Lincoln proclaimed the opening to commerce of the ports of Beaufort, S.C., Port Royal, S.C., and New Orleans.

May 13, Tuesday

In the Shenandoah Jackson was on his way back from Franklin and Harper's Ferry toward the main valley to face Banks' reduced force at Strasburg. Gen. Frémont, meanwhile, reached Franklin with his Union troops. There was a skirmish at Baltimore Crossroads near New Kent Court House, Va., an affair on the Rappahannock River, Va. Near Corinth, Miss., Confederate troops raided the Memphis and Charleston Railroad, and in Arkansas Union forces under Gen. Mitchel occupied Rogersville and skirmished at Lamb's Ferry.

President Davis wrote to his wife, who had been sent out of threatened Richmond. "If the withdrawal from the Peninsula and Norfolk had been conducted with due preparation and a desirable deliberation, I should be more hopeful of a successful defense of this city. . . . I know not what to expect when so many failures are to be remembered, yet will try to make successful resistance. . . ." Martial law was declared in Charleston, S.C. In Charleston Harbor a crew of Negroes took over the steamer *Planter* and surrendered it to the blockaders.

May 14, Wednesday

Skirmishing continued near Corinth, Miss., on the Memphis and Charleston Railroad, and on the Mobile and Ohio as well. McClellan's army skirmished at Gaines' Cross Roads, Va., as it marched nearer Richmond. Other skirmishes were at Cotton Plant, Ark., and Fayetteville,

May 15, Thursday

BATTLE OF DREWRY'S BLUFF, VIRGINIA.

Federal naval vessels, including *Monitor*, moved up the James toward Richmond now that the menace of *Merrimack* had been eliminated. Optimism echoed in Richmond, but at Drewry's Bluff, on the south

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1861 February 17, Sunday

Mr. Lincoln continued his triumphal and slow way east from Cleveland into New York State. The jam of people was denser than ever. In his remarks the President-elect said, "you, as a portion of the great American people, need only to maintain your composure."

At San Antonio, Tex., the U. S. Arsenal and Barracks were seized by state troops.

February 17, Sunday

A somewhat quieter day, with President-elect Lincoln in Buffalo and President-elect Davis in Montgomery, preparing for his inaugural on the morrow.

February 18, Monday

JEFFERSON DAVIS INAUGURATED PRESIDENT OF THE CONFEDERACY.

In front of the state Capitol at Montgomery, Jefferson Davis of Mississippi was inaugurated Provisional President of the Confederate States of America. To the enthusiastic throng he spoke encouragement. To his wife he wrote, "The audience was large and brilliant. Upon my weary heart was showered smiles, plaudits, and flowers; but, beyond them, I saw troubles and thorns innumerable. We are without machinery, without means, and threatened by a powerful opposition; but I do not despond, and will not shrink from the task imposed upon me." To the crowd he said, "Our present political position has been achieved in a manner unprecedented in the history of nations. It illustrates the American idea that governments rest on the consent of the governed, and that it is the right of the people to alter or abolish them at will whenever they become destructive of the ends for which they were established." The original purpose of the Union had been perverted, Mr. Davis said. The South had labored to preserve the government of their fathers and had no "interest or passion to invade the rights of others, . . ." He hoped to avoid war but if the "lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency and maintain, by the final arbitrament of the sword, the position which we have assumed among the nations of the earth." Reunion was neither practicable nor desirable. However, the Confederate government was the same as that of the Constitution in principle. "Obstacles may retard, but they can not long prevent, the progress of a movement sanctified by its justice and sustained by a virtuous people."

It was a balmy and sunny day and Davis rode in a carriage up the hill to the Capitol, tall, slight, but straight, with his sharply defined features set in deep thought as he received the cheers of the throng and heard the bands play "Dixie." After the inauguration a levee, more bands, fireworks, banners, and a salute of a hundred guns. All people seemed to

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Return of the Commission, Non-commission Officers, and Rank and File, killed, wounded, prisoners, and missing, on the 19th of April, 1775. . . .

Total: One Lieutenant-Colonel killed; two Lieutenant-Colonels wounded; two Captains wounded; nine Lieutenants wounded; one Lieutenant missing; two Ensigns wounded; one Sergeant killed, four wounded, two missing; one Drummer killed, one wounded; sixty-two rank and file killed, one hundred and fifty-seven wounded, and twenty-four missing.

N. B. Lieutenant *Isaac Potter* reported to be wounded and taken prisoner.

Salem Gazette, April 25, 1775; reprinted in Peter Force, *American Archives*, Fourth Series (Washington, 1839), II, 391-393 *passim*.
Official bulletin, *London Gazette*, June 10, 1775; reprinted *Ibid.*, 945-946 *passim*.

192. A Woman at the Front (1775-1776)

BY MRS. ABIGAIL ADAMS

Mrs. Adams was one of the most famous women of the Revolutionary time. These letters, directed to her husband, John Adams, then in Congress, illustrate one of the most valuable kinds of sources, private letters written by well-informed persons but not intended for publication. — Bibliography of Mrs. Adams: Memoir of *Letters of Mrs. Adams*. — Bibliography of the siege and capture of Boston: Winsor, *Narrative and Critical History*, VI, 152-158, and *Memorial History of Boston*, III, 67-118; Frothingham, *Siege of Boston*: Channing and Hart, *Guide*, § 130.

Sunday, 18 June, 1775. . . .

THE day, — perhaps, the decisive day, — is come, on which the fate of America depends. My bursting heart must find vent at my pen. I have just heard, that our dear friend, Dr. Warren, is no more, but fell gloriously fighting for his country; saying, better to die honorably in the field, than ignominiously hang upon the gallows. Great is our loss. He has distinguished himself in every engagement, by his conduct and fortitude, by animating the soldiers, and leading them on by his own example. A particular account of these dreadful, but I hope glorious days will be transmitted you, no doubt, in the exactest manner.

"The race is not to the swift, nor the battle to the strong; but the God of Israel is he, that giveth strength and power unto his people." Trust in him at all times, ye people, pour out your hearts before him.

God is a refuge for us." Charlestown is laid in ashes. The battle began upon our intrenchments upon Bunker's Hill, Saturday morning about three o'clock, and has not ceased yet, and it is now three o'clock Sabbath afternoon.

It is expected they will come out over the Neck to-night, and a dreadful battle must ensue. Almighty God, cover the heads of our countrymen, and be a shield to our dear friends! How many have fallen, we know not. The constant roar of the cannon is so distressing, that we cannot eat, drink, or sleep. May we be supported and sustained in the dreadful conflict. I shall tarry here till it is thought unsafe by my friends, and then I have secured myself a retreat at your brother's, who has kindly offered me part of his house. I cannot compose myself to write any further at present. I will add more as I hear further. . . .

. . . 16 July, 1775. . . .

The appointment of the generals Washington and Lee gives universal satisfaction. The people have the highest opinion of Lee's abilities, but you know the continuation of the popular breath depends much upon favorable events. I had the pleasure of seeing both the generals and their aids-de-camp soon after their arrival, and of being personally made known to them. They very politely express their regard for you. . . .

I was struck with General Washington. You had prepared me to entertain a favorable opinion of him, but I thought the half was not told me. Dignity with ease and complacency, the gentleman and soldier, look agreeably blended in him. Modesty marks every line and feature of his face. . . .

. . . As to intelligence from Boston, it is but very seldom we are able to collect any thing that may be relied on; and to report the vague, flying rumors, would be endless. I heard yesterday, by one Mr. Roulstone, a goldsmith, who got out in a fishing schooner, that their distress increased upon them fast. Their beef is all spent; their malt and cider all gone. All the fresh provisions they can procure, they are obliged to give to the sick and wounded. Thirteen of our men who were in jail, and were wounded at the battle of Charlestown, were dead. No man dared now to be seen talking to his friend in the street. They were obliged to be within, every evening, at ten o'clock, according to martial law; nor could any inhabitant walk any street in town after that time, without a pass from Gage. He has ordered all the molasses to be dis-

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tilled up into rum for the soldiers; taken away all licenses, and given out others, obliging to a forfeiture of ten pounds, if any rum is sold without written orders from the general. . . .

As to the situation of the camps, our men are in general healthy, much more so at Roxbury than at Cambridge, and the camp is in vastly better order. General Thomas has the character of an excellent officer. His merit has certainly been overlooked, as modest merit generally is. I hear General Washington is much pleased with his conduct.

Every article here in the West India way is very scarce and dear. In six weeks we shall not be able to purchase any article of the kind. I wish you would let Bass get me one pound of pepper, and two yards of black calamanco for shoes. I cannot wear leather, if I go barefoot. Bass may make a fine profit if he lays in a stock for himself. You can hardly imagine how much we want many common small articles, which are not manufactured amongst ourselves; but we will have them in time; not one pin to be purchased for love or money. I wish you could convey me a thousand by any friend travelling this way. It is very provoking to have such a plenty so near us, but, Tantalus-like, not be able to touch. I should have been glad to have laid in a small stock of the West India articles, but I cannot get one copper; no person thinks of paying any thing, and I do not choose to run in debt.

We have not yet been much distressed for grain. Every thing at present looks blooming. O that peace would once more extend her olive branch . . . .

. . . 12 November, 1775.

The intelligence you will receive before this reaches you, will, I should think, make a plain path, though a dangerous one, for you. I could not join to-day, in the petitions of our worthy pastor, for a reconciliation between our no longer parent state, but tyrant state, and these colonies. Let us separate; they are unworthy to be our brethren: let us renounce them; and, instead of supplications as formerly, for their prosperity and happiness, let us beseech the Almighty to blast their counsels, and bring to nought all their devices. . . .

Saturday Evening, 2 March, 1776. . . .

. . . I heartily wish every Tory was extirpated from America: they are continually, by secret means, undermining and injuring our cause.

I am charmed with the sentiments of "Common Sense," and I wish . . . how an honest heart, one who wishes the welfare of his country and . . .

happiness of posterity, can hesitate one moment at adopting them. I want to know how these sentiments are received in Congress. I dare say there would be no difficulty in procuring a vote and instructions from all the Assemblies in New England for Independency. I most sincerely wish, that now, in the lucky moment, it might be done.

I have been kept in a continual state of anxiety and expectation, ever since you left me. It has been said "to-morrow" and "to-morrow" for this month, but when the dreadful to-morrow will be, I know not. But hark! The house this instant shakes with the roar of cannon. I have been to the door and find it is a cannonade from our army. Orders, I find, are come for all the remaining militia to repair to the lines Monday night by twelve o'clock. No sleep for me to-night. And if I cannot, who have no guilt upon my soul with regard to this cause, how shall the miserable wretches, who have been the procurers of this dreadful scene, and those who are to be the actors, lie down with the load of guilt upon their souls?

Sunday Evening, 3 March.

I went to bed after twelve, but got no rest; the cannon continued firing, and my heart beat pace with them all night. We have had a pretty quiet day, but what to-morrow will bring forth, God only knows.

Monday Evening.

Tolerably quiet. To-day the militia have all mustered, with three days' provision, and are all marched by three o'clock this afternoon, though their notice was no longer ago than eight o'clock, Saturday. And now we have scarcely a man, but our regular guards, either in Weymouth, Hingham, Braintree, or Milton, and the militia from the more remote towns are called in as seacoast guards. Can you form to yourself an idea of our sensations?

I have just returned from Penn's Hill, where I have been sitting to hear the amazing roar of cannon, and from whence I could see every shell which was thrown. The sound, I think, is one of the grandest in nature, and is of the true species of the sublime. 'Tis now an incessant roar; but O! the fatal ideas, which are connected with the sound! How many of our dear countrymen must fall!

Tuesday Morning.

I went to bed about twelve, and rose again a little after one. I could no more sleep, than if I had been in the engagement; the rattling of

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the windows, the air of the house, the continual roar of twenty-four pounders, and the bursting of shells, give us such ideas, and realize a scene to us of which we could form scarcely any conception. About six, this morning, there was quiet. I rejoiced in a few hours' calm. I hear we got possession of Dorchester hill last night; four thousand men upon it to-day; lost but one man. The ships are all drawn round the town. To-night we shall realize a more terrible scene still. I sometimes think I cannot stand it. I wish myself with you, out of hearing, as I cannot assist them. I hope to give you joy of Boston, even if it is in ruins, before I send this away. I am too much agitated to write as I ought, and languid for want of rest.

Charles Francis Adams, editor, *Letters of Mrs. Adams* (Boston, 1840), I, 39-90 *passim*.

193. Abandonment of New York (1776)

BY GENERAL GEORGE CLINTON

Clinton was a New York man, later vice-president of the United States. — Bibliography of the Long Island and New York campaign: Winsor, *Narrative and Critical History*, VI, 315-317; James Grant Wilson, *Memorial History of New York*, II, 515-517; Channing and Hart, *Guide*, § 138.

King's Bridge, September 18, 1776. . . .

ABOUT the middle of last week it was determined, for many reasons, to evacuate the City of *New-York*; and accordingly, orders were given for removing the ordnance, military, and other stores from thence, which, by *Sunday* morning was nearly effected. On *Saturday*, four of the enemy's large ships passed by the city up the *North River*, and anchored near *Grenage*, and about as many up the *East River*, which anchored in *Turtle Bay*; and from the movements of the enemy on *Long-Island* and the small Islands in the *East River*, we had great reason to apprehend they intended to make a landing, and attack our lines somewhere near the city. Our army for some days had been moving upwards this way, and encamping on the heights, southwest of Colonel *Morris's*, where we intended to form lines, and make our grand stand. On *Sunday* morning the enemy landed a very considerable body of troops, principally consisting of their Light Infantry and Grenadiers, near *Turtle Bay*, under cover of a very heavy cannonade from their shipping. Our lines were but thinly manned, as they were then intended

only to secure a retreat to the rear of our army, and unfortunately by such troops as were so little disposed to stand in the way of grape-shot that the main body of them almost instantly retreated, nay, fled, without a possibility of rallying them, though General *Washington* himself, (who rid to the spot on hearing the cannonade) with some other General Officers, exerted themselves to effect it.

The enemy, on landing, immediately formed a line across the Island. Most of our people were luckily north of it, and joined the army. The few that were in the city crossed the river, chiefly to *Paulus-Hook*, so that our loss in men, artillery, or stores, is very inconsiderable; I don't believe it exceeds one hundred men, and I fancy most of them, from their conduct, staid out of choice. Before evening, the enemy landed the main body of their army, took possession of the city, and marched up the Island, and encamped on the heights extending from *McGowan's* and the *Black-Horse* to the *North River*.

On *Monday* morning, about ten o'clock, a party of the enemy, consisting of *Highlanders*, *Hessians*, the Light Infantry, Grenadiers, and *English* troops, (number uncertain,) attacked our advanced party, commanded by Colonel *Knowlton*, at *Martje Davit's Fly*. They were opposed with spirit, and soon made to retreat to a clear field, southwest of that about two hundred paces, where they lodged themselves behind a fence covered with bushes. Our people attacked them in front, and caused them to retreat a second time, leaving five dead on the spot. We pursued them to a buckwheat field on the top of a high hill, distant about four hundred paces, where they received a considerable reinforcement, with several field-pieces, and there made a stand. A very brisk action ensued at this place, which continued about two hours. Our people at length worsted them a third time, caused them to fall back into an orchard, from thence across a hollow, and up another hill not far distant from their own lines. A large column of the enemy's army being at this time discovered to be in motion, and the ground we then occupied being rather disadvantageous, a retreat likewise, without bringing on a general action, (which we did not think prudent to risk,) rather insecure, our party was therefore ordered in, and the enemy was well contented to hold the last ground we drove them to.

We lost, on this occasion, Colonel *Knowlton*, a brave officer, and sixteen privates, killed. Major *Leitch*, from *Virginia*, and about eight or ten subaltern officers and privates wounded. The loss of the enemy is uncertain. They carried their dead and wounded off, in and soon

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upo. the continent of America. I herewith enclose to Your Lordship a Draft of the Town and Castle of St. Augustine, with a short descriptio. of it by a Gentleman who has been often there. It's done exactly tru. more for service than for show. The Spaniards now, the French, if ev. they get it, will prove dangerous neighbours to this Province, a thing n. considered nor provided against by the Lords Proprietors. I am goi. from hence to Bermuda, with His Ma^ty. Commissioners, to administe the Oath to the Govr. of that Island, with a Commission for the Jud. and other Officers of the Court of Admiralty erected there, from whence I believe it necessary to hasten to the Bahamas Islands, where a Brigantine belonging to New England was carried in as a wreck. The Master & Sailors being pursued by some persons who had commission from Govr. Webb, believing they were chased by Spaniards, forsook their Vessel & went on shore among the Natives to save their lives.

All which is humbly submitted by
Your Lordship's
Most humble Servant,
Ed. Randolph.

The want of a small Vessel to support the loss of the Frigate, which was appointed by the Lords Commiss^rs. of the Admiralty to transplant me from one Plantation to another, makes me stay a great while at one place for a passage to another, which is uncertain, difficult & dangerous.

I have by the extreme of cold last Winter in Maryland and Pennsylvania, & by my tedious passage in the Winter time from New York to this place, got a great numbness in my right leg & foot. I am in hopes this warm climate will restore me to my health. I have formerly wrote to your Board & the Commiss^rs. of H. M. Customs, the necessity of having a Vessel to transport me from one Plantation to another.

I humbly pray Your Lordships favour to direct that the little residence I am to make in these parts of the World, may be in this Province, & that a Vessel well manned may be sent me hither, which may answer all occasion, my intentions being not to lye idle, for when the Hurricane times come in these parts of the World, I can go securely to Virginia, Maryland & Pensylvania & New England, without fear of being driven from those Plantations by North West Winds, & when they come I can pass from one Plantation to another without difficulty

[William James Rivers], *A Sketch of the History of South Carolina* (Charleston, 1856), 443–447.

35. A South Carolina Settlemen (1742)

BY ELIZA LUCAS

Eliza Lucas was an English girl, upon whom was thrown the burden of carrying a large estate in South Carolina. She later became the wife of Charles Pinckney, chief justice of South Carolina. — Bibliography: Winsor, *Narrative and Critical History*, V, 335-350; Channing and Hart, *Guide*, § 102. — For previous Carolina history, see *Contemporaries*, I, ch. xii.

May 22d 1742.

I AM now set down my dear Brother to obey your Commands and give you a short description of the part of the World I now inhabit — Sr Carolina then is an Extensive Country near the Sea. Most of the settled part of it is upon a flatt. the Soil near Charles Town sandy but further distant. clay and swamp lands. It abounds with fine navigable rivers and great quan[u]ties of fine timber — The Country at a great distance that is to say about a hundred and fifty mile from C^e^ Town very hilly The soil in general very fertile and there are few European or American fruits or grain but what grow here the Country abounds with wild fowl Venison and fish Beef Veal and Mutton are here in much greater perfection than in the Islands tho' not equal to that of England — Fruit extreamly good and in profusion, and the oranges exceed any I ever tasted in the West Indies or from Spain or Portugal. The people in general hospitable and honest and the better sort add to these a polite gentile behaviour. The poorer sort are the most indolent people in the world, or they would never be wretched in so plentiful a country as this is. The winters here are fine and pleasant but 4 months in the year are extreamly disagreeable excessive hott much thunder and lightening and musketoes and sand flies in abundance C^e^ Town the Metropolis, is a neat pretty place the inhabitants polite and live a very gentile manner the streets and houses regularly built. the ladies and gentlemen gay in their dress. upon the whole you will find as many agreeable people of both sexes for the size of the place as almost any where St Phillip's Church in C^e^ Town is a very Elegant one and much frequented. there are several more places of Publick Worship in the town and the generality of people of a religious turn of mind.

I began in haste and have observed no method or I should have told you before I came to Summer, that we have a most charming Spring in this Country especially for those who travel through the Country for the

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147. Fears of Episcopacy (1767)

BY REVEREND CHARLES CHAUNCY

Chauncy was pastor of the First Church in Boston from 1727 to 1787. [illegible] Jonathan Mayhew, was a champion against any form of Episcopalian [illegible]. The fear here expressed was one of the main causes of the uneasiness of N. [illegible]landers at the outbreak of the Revolution. — Bibliography: Tyler, *American [illegible]ture*, II, 199–203; Winsor, *Narrative and Critical History*, VI, 79–71, [illegible] and Hart, *Guide*, § 153.

HIS Lordship now comes to the last and greatest inconven[illegible] "the want of Bishops in our Colonies." "This," says he, [illegible] "Besides other disadvantages attending it, appears, in part [illegible] be the fundamental cause of the want of native Ministers. The [illegible] removed; the other, it seems, would cease of course. For can [illegible] imagined, could orders be had on the same terms there as else[illegible] that a number of the natives sufficient for the service of the C[illegible] would not offer themselves in those, as they do, in all other part[illegible] Christendom."

The want of "native ministers," if this is really the case, is [illegible] believe, owing to any of the causes his Lordship has mentioned, [illegible] excepting that of there being "no Bishops in the Colonies." If I speak here with the same freedom that I think, I would say, there [illegible] in one respect, an obvious difference between our people, and [illegible] who profess themselves Church-men. The former generally send [illegible] sons to one or other of our Colleges with a view to their being ed[illegible] for the ministry; this is rarely done by the latter. Should any ask [illegible] reason of this; — it must be plainly said, our Churches are [illegible] for a new Country, many of them large, and well capable of [illegible] for their ministers; and, by a swift increase of inhabitants and [illegible] settlements, they are daily growing both in number and abil[illegible] support their Clergy. There is herefrom the prospect of a tole[illegible] provision for our sons, if educated to serve in the ministry. W[illegible] there are very few Episcopal churches that "stand upon their [illegible] legs"; — and by far the greater part of the other are small in n[illegible] weak in ability, and insufficient to maintain their own ministry, [illegible] assisted by the Society at home. It is this that discourages the C[illegible] people from bringing up their sons for Clergymen. They chuse [illegible] to provide for them some other way. And as to proselytes fr[illegible] the temptation ordinarily is so small, that few are overcome by it.

ey have found there was little or no prospect of their being employed greater advantage. No one need now be at a loss to assign the true ise of the "want of native ministers."

But if Bishops should be sent to the Colonies, the people would erally turn Church-men; — the Ecclesiastical state of things would on be inverted; — Episcoparians would quickly exceed the other enominations of Christians, as much as they now exceed them.

This, without all doubt, is the grand point aimed at; and there may e some, both at home and here, who really think all this would speedily ome into event. But those who are best acquainted with the genius, emper and principles of the Colonists, at least in those parts where ey are most numerous, have not the least motion of fear excited in em from the prospect of any such effect of the mission of Bishops. ey are rather concerned, least it should be the occasion of hurtful sequences both to them and us. Such consequences would certainly the effect, if these Bishops should make use of their SUPERIORITY, as st probably they would, sooner or later, to influence our great men ere, and much greater ones at home, to project, and endeavour to carry to execution, measures to force the growth of the Church. It may be lied on, our people would not be easy, if rest[r]ained in the exercise of at "liberty wherewith Christ has made them free;" yea, they would ard every thing dear to them, their estates, their very lives, rather an suffer their necks to be put under that yoke of bondage, which as so sadly galling to their fathers, and occasioned their retreat into is distant land, that they might enjoy the freedom of men and chris- ns. . . .

But they have "no Bishops." Very true; and they have no just eason for complaint upon this head. For, let it be considered,

Throughout an extent of territory more than 500 miles in length, mprehending seven Provinces, the four New-England ones, and those New-York, the Jersies, and Pensylvania; I say, throughout these gely extended Provinces, so well inhabited that they contain more n a million of souls, there are not, by the best information I can get, re than eight or nine Episcopal churches that support themselves. l the rest, to the amount of about sixty, more or less, chiefly made up converts from the other denominations of Christians, are so far upheld their existence by the Society at home, at the expence of not less some thousands sterling per annum, that, should this be withdrawn, y would soon sink away for want of needed assistance. Instead now

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of being contented with the receipt of so much pious charity, they think it hard, and complain of it as a most lamentable thing, that as many thousands sterling more are not annually laid out for the maintainance of Bishops among them. Is this reasonable? Would Church-men themselves think it so in regard of other denominations of christians besides themselves? Should any of these denominations, in like circumstances, make the like complaints, insisting that they were not suffered "fully to enjoy their religion," none, it may be, would treat their complaints with more contempt, than those who are themselves so loud in making them. And yet, I know not, in regard of real merit, but other denominations would have as good a right to complain, as those who profess themselves members of the Church of England. For they are the descendants from ancestors, who subdued & cultivated this rude wilderness, amidst a thousand difficulties & hazards, so as to make it the pleasant fruitful land we now behold it; hereby adding to the extent, strength and glory of the British Crown: Nor has that sacred Majesty who wears it more loyal subjects, even in England itself: And as they are far more numerous than the Episcoparians, they are in proportion more able, and I am sure they would be as willing, to exert themselves, if called to it, at the peril of their lives, in defence of his Person and Dominions.

Charles Chauncy, *A Letter to a Friend, containing Remarks on certain Passages in a Sermon preached by . . . John Lord Bishop of Landaff* (Boston, 1767), 44–50 *passim*

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148. Troops and Sons of Liberty in Boston (1768)

BY CHIEF JUSTICE THOMAS HUTCHINSON

These private letters, written by Hutchinson (later governor of Massachusetts) to a friend in England, fell into Franklin's hands and were by him in 1773 sent to leaders of the patriot party in Boston, by whom they were published as evidence of an attempt by a royal official to undermine their liberties. — Bibliography: Frothingham, *Rise of the Republic*, 183–184; Winsor, *Narrative and Critical History*, VI. 72, and *Memorial History of Boston*, III, 11–26; Channing and Hart, *Guide*, § 13.

Boston, 4th October 1768.

. . . IT is not strange that measures should be immediately taken to reduce the colonies to their former state of government and order, but that the national funds should be effected by it is to me a little mysterious and surprizing. Principles of government absurd enough

spread thro' all the colonies; but I cannot think that in any colony, people of any consideration have ever been so mad as to think of a revolt. Many of the common people have been in a frenzy, and talk'd of dying in defence of their liberties, and have spoke and printed what is highly criminal, and too many of rank above the vulgar, and some *in public posts* have countenanced and encouraged them until they increased so much in their numbers and in their opinion of their importance as to submit to government no further than they thought proper. The legislative powers have been influenced by them, and the executive powers intirely lost their force. There has been continual danger of mobs and insurrections, but they would have spent all their force within ourselves, the officers of the Crown and some of the few friends who dared to stand by them possibly might have been knock'd in the head, and some such fatal event would probably have brought the people to their senses. . . .

Whilst we were in this state, news came of two regiments being ordered from Halifax, and soon after two more from Ireland. The minds of people were more and more agitated, broad hints were given that the troops should never land, a barrel of tar was placed upon the beacon, in the night to be fired to bring in the country when the troops appeared, and all the authority of the government was not strong enough to remove it. The town of Boston met and passed a number of weak, but criminal votes; and as the governor declined calling an assembly they sent circular letters to all the towns and districts to send a person each that there might be a general consultation at so extraordinary a crisis. They met and spent a week, made themselves ridiculous, and then dissolv'd themselves, after a message or two to the governor which he refused to receive; a petition to the King which I dare say *their agent* will never be allow'd to present, and a result which they have published ill natured and impotent.

In this confusion the troops from Halifax arrived. I never was much afraid of the people's taking arms, but I was apprehensive of violence from the mob, it being their last chance before the troops could land. As the prospect of revenge became more certain their courage abated in proportion. Two regiments are landed, but a new grievance is now raised. The troops are by act of parliament to be quartered no where else but in the barracks until they are full. There are barracks enough at the castle to hold both regiments. It is therefore against the act to bring any of them into town. . . . I hear the commander in chief has

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provided barracks or quarters, but a doubt still remains with some of the council, whether they are to furnish the articles required, unless the men are in the province barracks, and they are to determine upon it to day.

The government has been so long in the hands of the populace that it must come out of them by degrees, at least it will be a work of time to bring the people back to just notions of the nature of government. . . .

Boston, 20th January 1769.

. . . What marks of resentment the parliament will show, whether they will be upon the province in general or particular persons, is extremely uncertain, but that they will be placed somewhere is most certain, and I add, because *I think it ought to be so*, that those who have been most steady in preserving the constitution and opposing the licentiousness of such as call themselves sons of liberty will certainly meet with favor and encouragement.

This is most certainly a crisis. I really wish that there may not have been the least degree of severity beyond what is absolutely necessary to maintain, I think I may say to you the *dependance* which a colony ought to have upon the parent state; but if no measures shall have been taken to secure this dependance, or nothing more than some declaratory acts or resolves, *it is all over with us*. The friends of government will be utterly disheartned, and the friends of anarchy will be afraid of nothing, be it ever so extravagant.

. . . I never think of the measures necessary for the peace and good order of the colonies without pain. There must be an abridgment of what are called English liberties. I relieve myself by considering that in a remove from the state of nature to the most perfect state of government there must be a great restraint of natural liberty. I doubt whether it is possible to project a system of government in which a colony 3000 miles distant from the parent state shall enjoy all the liberty of the parent state. I am certain I have never yet seen the projection. I wish the good of the colony when I wish to see some further restraint of liberty rather than the connexion with the parent state should be broken: for I am sure such a breach must prove the ruin of the colony. Pardon me this excursion, it really proceeds from the state of mind into which our perplexed affairs often throws me. . . .

Boston, 20th October, 1769.

. . . So much has been said upon the repeal of the duties laid by the last act, that it will render it very difficult to keep people's minds quiet if that should be refused them. They deserve punishment you will say,

ient laying or continuing taxes upon all cannot be thought equal, seeing many will be punished who are not offenders. *Penalties of another kind seem better adapted.* . . .

I must beg the favor of you to keep secret every thing I write, until we are in a more settled state, for the party here either by their *agent* or by some of their emissaries in London, have sent them every report or rumor of the contents of letters wrote from hence. I hope we shall see better times both here and in England.

Copy of Letters sent to Great-Britain, by his Excellency Thomas Hutchinson, etc. (Boston, 1773), 9-18 *passim.*

149. The Pennsylvania Farmer's Remedy (1768)

BY JOHN DICKINSON

Dickinson was a Pennsylvania lawyer. His pamphlets published previous to the outbreak of the Revolution exercised remarkable influence; but he was opposed to independence, and took no part in the Revolution after 1776 — Bibliography: Tyler, *Literary History of the Revolution*, I, 235-240, II, 21-34; Winsor, *Narrative and Critical History*, VI, 82-83; Channing and Hart, *Guide*, § 134.

I HOPE, my dear countrymen, that you will in every colony be upon your guard against those who may at any time endeavour to stir you up, under pretences of patriotism, to any measures disrespectful to our sovereign and our mother country. Hot, rash, disorderly proceedings, injure the reputation of a people as to wisdom, valour and virtue, without procuring them the least benefit. I pray God, that he may be pleased to inspire you and your posterity to the latest ages with that spirit, of which I have an idea, but find a difficulty to express; to express in the best manner I can, I mean a spirit that shall so guide you, that it will be impossible to determine, whether an *American*'s character is most distinguishable for his loyalty to his sovereign, his duty to his mother country, his love of freedom, or his affection for his native soil.

Every government, at some time or other, falls into wrong measures; these may proceed from mistake or passion. — But every such measure does not dissolve the obligation between the governors and the governed: the mistake may be corrected; the passion may pass over.

It is the duty of the governed, to endeavour to rectify the mistake, and appease the passion. They have not at first any other right, than

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There was no well-defined issue between the R
lican and Democratic parties and there were no diffe
of principle within the Republican party itself.
dominant aim seemed to be the selection of a man
enough to defeat the Democratic candidate, who
undoubtedly be Grover Cleveland. In 1882 Cle
had been elected Governor of New York by 19
majority over the Republican candidate; he had ma
admirable Governor, stood high in his own party, ou
of Tammany Hall, and had won the approval of
pendent thinkers among both Republicans and Demo

In the end, the Convention which met in Chicag
June 3 nominated Blaine, but the result came not of
seeking and manipulation on his own part; on the
trary, the nomination sought him. He was the choi
the majority of the Convention and undoubtedly of
majority of his party. "I neither desire nor expect
nomination," he said. "But I don't intend that man
the White House shall have it."[1] He was entirely
cere when in writing to one of his most active support
he said: "My first, last, constant injunction is, spend
money. I never want it [the nomination] unless it be
unbought, unbiassed will of the nominating power.
enjoin this upon you with special emphasis."[2] The cl
reason however of Blaine's indifference was that he fear
that he could not carry New York and, as the Democra
would have the solid South, the electoral vote of th
State was necessary to Republican success. He shra
from the canvass and, like many other Republicans, ca

[1] Feb. 22, 1881, Writings of J. J. Ingalls, 137.
[2] To Elkins, May 8, Stanwood, 270. Elkins was his "volunteer ca
paign manager."

for a candidate who might win. His eye lighted General Sherman, to whom he imparted his views in private letter written on May 25. But General Sherwould not listen to the suggestion. "I will not in event," he wrote, "entertain or accept a nomination candidate for President by the Chicago Republican vention or any other convention, for reasons personal myself. I claim that the Civil War, in which I simply a man's share of work, so perfectly accomplished peace, that military men have an absolute right to rest to demand that the men who have been schooled in arts and practices of peace shall now do their work ually well. Any senator can step from his chair at the pitol into the White House and fulfil the office of sident with more skill and success than a Grant, Sherman or Sheridan, who were soldiers by education and ture, who filled well their office when the country was danger but were not schooled in the practices by which civil communities are and should be governed. . . . Therefore I say that 'patriotism' does not demand of me what I construe as a sacrifice of judgment, of inclination and of self-interest. . . . I would account myself a fool, a madman, an ass, to embark anew, at sixty-five years of age, in a career that may at any moment become tempest-tossed by the perfidy, the defalcation, the dishonesty or neglect of any one of a hundred thousand subordinates utterly unknown to the President of the United States, not to say the eternal worriment of a vast host of impecunious friends and old military subordinates."[1]

John Sherman, now Senator, had the support of a part

[1] Gail Hamilton, 621. General Sherman published these letters in the *North American Review*, December, 1883

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CHAPTER XI

CLEVELAND was inaugurated on March 4, 1885 and delivered his carefully prepared, patriotic and fitting address without referring to his manuscript or notes. Great interest was taken in the announcement of the first Democratic cabinet that had been selected since 1857. Thomas F. Bayard of Delaware, who had had an honorable career in the Senate for sixteen years, was appointed Secretary of State and he filled the place to the satisfaction of the public. At his death [1898], Cleveland, having retired permanently to private life, said: "I have never come into contact with a man who, at all times and under all circumstances, was the equal of Mr. Bayard in high and noble qualities, in singleness of purpose and in that honesty which, while it never obtruded itself, never wavered."[1] Others who were associated with him, would have heartily endorsed this tribute: considering his service as Senator and Secretary and later as Ambassador to England it may be said of him as of Bayard, the French knight, that he was "without fear and without reproach."

The appointment of Daniel Manning of New York Secretary of the Treasury was due to Tilden's influence. Tilden might have had the Democratic nomination for the presidency in 1880 but he declined to have his name

[1] Parker's Rec. 74. [2] Ibid., 793.

nsidered by the Convention on account of his ill health; d even in 1884 it was considered desirable that he should rite a letter refusing to be a candidate in order to sure the nomination of Cleveland. Tilden was the artyr and saint of his party and the election of Cleveand being regarded as the continuation of his dynasty, was supposed to have great influence with the new dministration. Nevertheless Cleveland did not desire appoint Manning who in turn did not want the place.[1] Manning was coerced into the Treasury," wrote Tilden a private letter;[2] and the relations between the President and Secretary were never cordial. "I am living in an atmosphere that is full of mischief," wrote Manning to Tilden before he had been a year in office.[3]

William C. Endicott as Secretary of War, the choice of the Massachusetts Independents, an "able, liberal and high-minded man,"[4] of dignity of manner, a friend and supporter of Harvard College, an agreeable and useful man in council, and William F. Vilas of Wisconsin as Postmaster-General, were excellent appointments and advantageous sectionally, one representing New England and the other the Northwest. Both came from States that had voted for Blaine. Cleveland disregarded a strong protest from Connecticut, New Jersey and Indiana [all three had voted for Cleveland] against the appointment of Judge Endicott or any Massachusetts man,

[1] See Tilden, Letters, etc., Bigelow, ii. 675 *et seq.*

[2] To Henry Watterson, March 26, 1885.

[3] Dec. 21, 1885. My authority for this episode is John Bigelow's Life of Tilden, ii. 64–316. Manning broke down from overwork; "a small blood-vessel burst at the base of the brain" during March 1886. He left Washington never to return to his Cabinet duties. Ibid., 317; Tilden, Letters, etc., Bigelow, ii. 713 *et seq.*

[4] *The Nation*, March 5, 1885, p. 192.

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he made a statement that attracted attention from
friends and opponents. "I cannot find myself," he s
"in full sympathy with this demand for cheaper co
which seems to me necessarily to involve a cheaper
and woman under the coat."[1] Between his nominat
and letter of acceptance, he spoke to many visiting de
gations laying great stress upon the tariff issue of
campaign, so that the ground he would cover in
formal reply was pretty well known. "The issue c
not now be obscured," he wrote in his letter of accepta
[September 11]. "It is not a contest between schedu
but between wide-apart principles. . . . The Mills bill
only a step" toward a tariff for revenue only. The tar
reformers "are students of maxims and not of the ma
kets." But "the Republican party holds that a pr
tective tariff is wholesome and necessary." In this le
ter and in his various speeches, the argument is th
familiar one that protection was necessary to insure high
wages to the American working-men in competition wit
the pauper labor of Europe.

The Republican campaign was well managed. The
literary presentation of the [illegible] received careful con
sideration and Harrison employed Lew Wallace to write
the campaign biography. Wallace was a citizen of his
own State, a general in the Civil War, and the author
of a remarkably successful novel. The publishers cleverly
backed the new book "Life of Ben Harrison by the author
of Ben Hur" as in 1888 it was safe to say that hundreds
knew the author to every one that knew the general.
The speech-making was well calculated to insure political

[1] March, 1888. Speeches compiled by Charles Hedges (1892), 23.

support. Blaine arrived from Europe during August; letters from literary men denote his powerful influence. "I wish it were possible for me to be in New York next week," wrote John Hay, "and mix my feeble life with that vast roar of welcome that awaits him. I fancy he will himself be appalled at the fury of affection and regard with which he will be welcomed home. The country has had a year to think it over, and it concludes that it likes him and is glad to get him back." After the enthusiastic reception, Whittier wrote: "I was much disappointed by Mr. Blaine's letter of declination but when I see the great heart of the nation warmed and stirred to meet him, I think he, at least, has lost nothing by his choice of a private station. This grand ovation is worth more than a dozen presidencies. It is only a ripple of the great wave of popular sympathy and love."[1] Blaine threw himself into the campaign with ardor and proved an effective persuader of a mass of voters. To another element Senator John Sherman appealed with equal force. But the greatest influence was wielded by Harrison himself. Many and various delegations from different States visited him at his home in Indianapolis and he spoke to them all in fitting terms. During the campaign, he made ninety-four speeches without a slip. At the outset he declared that the contest should be one of principle and not of personal defamation. This was magnanimous, since his own character was above reproach; unwittingly perhaps he struck a popular note as nearly everybody recalled with disgust the campaign of 1884. He preached devotion to the Constitution and flag with a thorough-

[1] Aug. 3, 14. Gail Hamilton, 618.

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equal to the handling of both. He restored the vanishing gold standard but, by his action for the repeal of the Act of 1890 and by his sale of bonds to maintain gold payments, he alienated his party and lost its leadership. The South and the West were gravitating toward "cheap money," which now meant the free coinage of silver, while his belief and action were diametrically opposed to this sentiment. They thought that his course in the repeal of the Silver Purchase of the Act of 1890 and in the issuance of bonds to maintain the gold standard was simply carrying out the Wall Street programme. At the close of his last administration he thought that he was the most unpopular of all public men in the South, and he grieved, as any Democrat would, that he had lost his hold upon that section, whose influence was so potent in his party. Entirely consistent as regards a civil service based on merit and a reduction of the tariff, he offended certain leaders of the party by the scolding he gave the Senate pending the tariff bill of 1894; he also gave offence to some prominent senators by official appointments other than they had recommended in their respective districts. It was sometimes said that he devoted as much intellectual energy to the appointment of a minor official as he did to the consideration of grave public policy.

Cleveland and Congress did not understand one another. "The air at Washington," wrote Woodrow Wilson, "filled with murmurs against the domineering and usurping temper and practice of the Executive. Power had somehow gone the length of the avenue and seemed lodged in one man."[1] Yet Cleveland said to McKinley

[1] *Atlantic Monthly*, March, 1897.

on vacating the White House, "Your great difficulty will be to get on with Congress. You will have to look out for those men at the other end of the avenue."

Cleveland was a good party man and regretted keenly his loss of leadership. In a moment of depression, he wrote in a private letter, "I doubt if I shall advise any one to lose the support of party in the hope of finding support among those who beyond partisanship profess a patriotic desire for good government."[1] While the art of facile negotiation might have prevented a certain widening of the party chasm, it is difficult to see how it might wholly have been averted, given the difference between his firmly held ideas and those of the majority of his party on silver.

Carlisle in his report for 1894 recommended a scheme for the reform of the currency which was unqualifiedly indorsed by the President, who was in full sympathy with his Secretary of the Treasury. While the Democrats had been repudiated by the people (the autumn elections of 1894 had resulted in the choice of a Republican House by a large majority), this recommendation went to the Democratic Congress that held over until March fourth; but a recommendation by Cleveland was sufficient to line up the Democrats against it. He returned to the subject in December 1895, but he spoke then to a Republican Congress; nevertheless his recommendations demonstrate his sound ideas. The Government, he said, "was forced to redeem without redemption and to pay without acquittance." His remedy was "the retirement and cancellation of our United States notes commonly

[1] Dec. 26, 1894 to Gilder, *Century Magazine*, Sept. 1909, 701.

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hundred livres, as did also Maillard, his brother missionary on Cape Breton. "The fear is," writes the colonial minister to the governor of Louisbourg, "that their zeal may carry them too far. Excite them to keep the Indians in our interest, but do not let them compromise us. Act always so as to make the English appear as aggressors."[1]

All the Acadian clergy, in one degree or another, seem to have used their influence to prevent the inhabitants from taking the oath, and to persuade them that they were still French subjects. Some were noisy, turbulent, and defiant; others were too tranquil to please the officers of the Crown. A missionary at Annapolis is mentioned as old, and therefore inefficient; while the curé at Grand Pré, also an elderly man, was too much inclined to confine himself to his spiritual functions. It is everywhere apparent that those who chose these priests, and sent them as missionaries into a British province, expected them to act as enemies of the British Crown. The maxim is often repeated that duty to religion is inseparable

[1] *Le Ministre au Comte de Raymond*, 21 *Juillet*, 1752. It is curious to compare these secret instructions, given by the minister to the colonial officials, with a letter which the same minister, Rouillé, wrote ostensibly to La Jonquière, but which was really meant for the eye of the British minister at Versailles, Lord Albemarle, to whom it was shown in proof of French good faith. It was afterwards printed, along with other papers, in a small volume called *Précis des Faits, avec leurs Pièces justificatives*, which was sent by the French government to all the courts of Europe to show that the English alone were answerable for the war. The letter, it is needless to say, breathes the highest sentiments of international honor.

from duty to the King of France. The Bishop of Quebec desired the Abbé de l'Isle-Dieu to represent to the Court the need of more missionaries to keep the Acadians Catholic and French; but, he adds, there is danger that they (the missionaries) will be required to take an oath to do nothing contrary to the interests of the King of Great Britain.[1] It is a wonder that such a pledge was not always demanded. It was exacted in a few cases, notably in that of Girard, priest at Cobequid, who, on charges of instigating his flock to disaffection, had been sent prisoner to Halifax, but released on taking an oath in the above terms. Thereupon he wrote to Longueuil at Quebec that his parishioners wanted to submit to the English, and that he, having sworn to be true to the British King, could not prevent them. "Though I don't pretend to be a casuist," writes Longueuil, "I could not help answering him that he is not obliged to keep such an oath, and that he ought to labor in all zeal to preserve and increase the number of the faithful." Girard, to his credit, preferred to leave the colony, and retired to Isle St. Jean.[2]

Cornwallis soon discovered to what extent the clergy stirred their flocks to revolt; and he wrote angrily to the Bishop of Quebec: "Was it you who sent Le Loutre as a missionary to the Micmacs? and is it for their good that he excites these wretches to

[1] l'Isle-Dieu, *Mémoire sur l'État actuel des Missions*, 1753 (1751?).

[2] *Longueuil au Ministre*, 27 *Avril*, 1752.

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practise their cruelties against those who have shown them every kindness? The conduct of the priests of Acadia has been such that by command of His Majesty I have published an Order declaring that if any one of them presumes to exercise his functions without my express permission he shall be dealt with according to the laws of England."[1]

The English, bound by treaty to allow the Acadians the exercise of their religion, at length conceived the idea of replacing the French priests by others to be named by the Pope at the request of the British government. This, becoming known to the French, greatly alarmed them, and the intendant at Louisbourg wrote to the minister that the matter required serious attention.[2] It threatened, in fact, to rob them of their chief agents of intrigue; but their alarm proved needless, as the plan was not carried into execution.

The French officials would have been better pleased had the conduct of Cornwallis been such as to aid their efforts to alienate the Acadians; and one writer, while confessing the "favorable treatment" of the English towards the inhabitants, denounces it as a snare.[3] If so, it was a snare intended simply to reconcile them to English rule. Nor was it without effect. "We must give up altogether the idea of an

[1] *Cornwallis to the Bishop of Quebec*, 1 *December*, 1749.

[2] *Daudin, prêtre, à Prévost*, 23 *Octobre*, 1753. *Prévost au Ministre*, 24 *Novembre*, 1753.

[3] *Mémoire à présenter à la Cour*, 1753.

insurrection in Acadia," writes an officer of Cape Breton. "The Acadians cannot be trusted; they are controlled by fear of the Indians, which leads them to breathe French sentiments, even when their inclinations are English. They will yield to their interests; and the English will make it impossible that they should either hurt them or serve us, unless we take measures different from those we have hitherto pursued."[1]

During all this time, constant efforts were made to stimulate Acadian emigration to French territory, and thus to strengthen the French frontier. In this work the chief agent was Le Loutre. "This priest," says a French writer of the time, "urged the people of Les Mines, Port Royal [*Annapolis*], and other places, to come and join the French, and promised to all, in the name of the governor, to settle and support them for three years, and even indemnify them for any losses they might incur; threatening if they did not do as he advised, to abandon them, deprive them of their priests, have their wives and children carried off, and their property laid waste by the Indians."[2] Some passed over the isthmus to the shores of the gulf, and others made their way to the Strait of Canseau. Vessels were provided to convey them, in the one case to Isle St. Jean, now Prince Edward Island, and in the other to Isle Royale, called by the English, Cape Breton. Some were eager to go; some went with reluctance; some would

1 *Roma au Ministre*, 11 *Mars*, 1750.

2 *Mémoires sur le Canada*, 1749–1760.

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were slung powder-horns, on which, in the leisure of the camp, they carved quaint devices with the points of their jack-knives. They came chiefly from plain New England homesteads, — rustic abodes, unpainted and dingy, with long well-sweeps, capacious barns, rough fields of pumpkins and corn, and vast kitchen chimneys, above which in winter hung squashes to keep them from frost, and guns to keep them from rust.

As to the manners and morals of the army there is conflict of evidence. In some respects nothing could be more exemplary. "Not a chicken has been stolen," says William Smith, of New York; while, on the other hand, Colonel Ephraim Williams writes to Colonel Israel Williams, then commanding on the Massachusetts frontier: "We are a wicked, profane army, especially the New York and Rhode Island troops. Nothing to be heard among a great part of them but the language of Hell. If Crown Point is taken, it will not be for our sakes, but for those good people left behind."[1] There was edifying regularity in respect to form. Sermons twice a week, daily prayers, and frequent psalm-singing alternated with the much-needed military drill.[2] "Prayer among us night and morning," writes Private Jonathan Caswell, of Massachusetts, to his father. "Here we lie, knowing not when we shall march for Crown Point; but I hope not long to tarry. Desiring you

[1] *Papers of Colonel Israel Williams.*

[2] *Massachusetts Archives.*

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prayers to God for me as I am agoing to war, I am Your Ever Dutiful Son."[1]

To Pomeroy and some of his brothers in arms it seemed that they were engaged in a kind of crusade against the myrmidons of Rome. "As you have at heart the Protestant cause," he wrote to his friend Israel Williams, "so I ask an interest in your prayers that the Lord of Hosts would go forth with us and give us victory over our unreasonable, encroaching, barbarous, murdering enemies."

Both Williams the surgeon and Williams the colonel chafed at the incessant delays. "The expedition goes on very much as a snail runs," writes the former to his wife; "it seems we may possibly see Crown Point this time twelve months." The colonel was vexed because everything was out of joint in the department of transportation: wagoners mutinous for want of pay; ordnance stores, camp-kettles, and provisions left behind. "As to rum," he complains, "it won't hold out nine weeks. Things appear most melancholy to me." Even as he was writing, a report came of the defeat of Braddock; and, shocked at the blow, his pen traced the words: "The Lord have mercy on poor New England!"

Johnson had sent four Mohawk scouts to Canada. They returned on the twenty-first of August with the report that the French were all astir with preparation, and that eight thousand men were coming to defend Crown Point. On this a council of war was

[1] *Jonathan Cuswell to John Cuswell, 6 July, 1755.*

called; and it was resolved to send to the several colonies for reinforcements.[1] Meanwhile the main body had moved up the river to the spot called the Great Carrying Place, where Lyman had begun a fortified storehouse, which his men called Fort Lyman, but which was afterwards named Fort Edward. Two Indian trails led from this point to the waters of Lake Champlain, one by way of Lake George, and the other by way of Wood Creek. There was doubt which course the army should take. A road was begun to Wood Creek; then it was countermanded, and a party was sent to explore the path to Lake George. "With submission to the general officers," Surgeon Williams again writes, "I think it a very grand mistake that the business of reconnoitring was not done months agone." It was resolved at last to march for Lake George; gangs of axemen were sent to hew out the way; and on the twenty-sixth two thousand men were ordered to the lake, while Colonel Blanchard, of New Hampshire, remained with five hundred to finish and defend Fort Lyman.

The train of Dutch wagons, guarded by the homely soldiery, jolted slowly over the stumps and roots of the newly made road, and the regiments followed at their leisure. The hardships of the way were not without their consolations. The jovial Irishman who held the chief command made himself very agreeable

[1] *Minutes of Council of War*, 22 *August*, 1755. *Ephraim Williams to Benjamin Dwight*, 22 *August*, 1755.

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and had but one thin domestic blanket, they were half frozen in the chill autumn nights.

Johnson called a council of war; and as he was suffering from inflamed eyes, and was still kept in his tent by his wound, he asked Lyman to preside, not unwilling, perhaps, to shift the responsibility upon him. After several sessions and much debate, the assembled officers decided that it was inexpedient to proceed.[1] Yet the army lay more than a month longer at the lake, while the disgust of the men increased daily under the rains, frosts, and snows of a dreary November. On the twenty-second, Chandler, chaplain of one of the Massachusetts regiments, wrote in the interleaved almanac that served him as a diary: "The men just ready to mutiny. Some clubbed their firelocks and marched, but returned back. Very rainy night. Miry water standing in the tents. Very distressing time among the sick." The men grew more and more unruly, and went off in squads without asking leave. A difficult question arose: Who should stay for the winter to garrison the new forts, and who should command them? It was settled at last that a certain number of soldiers from each province should be assigned to this ungrateful service, and that Massachusetts should have the first officer, Connecticut the second, and New York the third. Then the camp broke up. "Thursday the 27th," wrote the chaplain in his almanac, "we set out about ten of the clock, marched in a

[1] *Reports of Council of War*, 11-21 *October*, 1755

body, about three thousand, the wagons and baggage in the centre, our colonel much insulted by the way." The soldiers dispersed to their villages and farms, where in blustering winter nights, by the blazing logs of New England hearthstones, they told their friends and neighbors the story of the campaign.

The profit of it fell to Johnson. If he did not gather the fruits of victory, at least he reaped its laurels. He was a courtier in his rough way. He had changed the name of Lac St. Sacrement to Lake George, in compliment to the King. He now changed that of Fort Lyman to Fort Edward, in compliment to one of the King's grandsons; and, in compliment to another, called his new fort at the lake, William Henry. Of General Lyman he made no mention in his report of the battle, and his partisans wrote letters traducing that brave officer; though Johnson is said to have confessed in private that he owed him the victory. He himself found no lack of eulogists; and, to quote the words of an able but somewhat caustic and prejudiced opponent, "to the panegyrical pen of his secretary, Mr. Wraxall, and the *sic volo sic jubeo* of Lieutenant-Governor Delancey, is to be ascribed that mighty renown which echoed through the colonies, reverberated to Europe, and elevated a raw, inexperienced youth into a kind of second Marlborough."[1] Parliament gave him five

[1] *Review of Military Operations in North America, in a Letter to a Nobleman* (ascribed to William Livingston).

On the Battle of Lake George a mass of papers will be found in

lege aid matter. "While I was in New York, and intending to come to England on some business of my own, the Rev. Dr. Johnson, at that time President of the College of New York, proposed it to me to make a collection in this Kingdom for the benefit of that Seminary, which I consented to do. The Doctor called a meeting of the Governors of the College and laid the matter before them, and they appointed a Committee to confer with me on the subject. It was agreed between that Committee and myself that I should undertake the collection; and various measures were concerted between us for carrying it into effect."

The Governors of the College executed, on the 14th of August, 1762, under their corporate seal, a power of attorney, by which they appointed "James Jay, M.D., a gentleman of this city, of a liberal education, and of eminence in his profession, the Hon. George Clark, Esq., Secretary, and Robert Charles, Esq., Agent, of this Province, and Barlow Trecothick, and Moses Franks, merchants of London, and each of them, our substitutes, for us and in our behalf, to solicit and receive the donations and contributions of all such as shall be generously disposed to favor the advancement of learning and virtue in this extensive and uncultivated part of the world."[1] A Committee of the Governors, consisting of John Tabor Kempe, Henry Barclay, Rev. Dr. Samuel Auchmuty, Rev. Dr. Samuel Johnson, and James Duane, drew up a few very brief instructions for his guidance. As to the gentlemen in England, named in the power with him, Sir James wrote to the Governors, saying, "Stranger as I was to them, I did not think it prudent to trust them with the principal measures I was pursuing."[2]

After Sir James had been about two years in England, Mr. Trecothick, whose suspicions were aroused by Sir James's refusal to act with him and the other gentlemen named, privately wrote the Governors to draw on him, not being satisfied, either with his conduct, or his responsibility. They did so, and likewise ordered Mr. Trecothick to effect a final

[1] Sir James Jay's letter to the Governors of King's College, p. 4.
[2] Ibid. p. 4.

settlement with him. Sir James did not honor the bills so drawn, and refused to settle. A Chancery suit against him was the result. Sir James then began proceedings against Trecothick, and the whole matter was in controversy and litigation, until finally settled in 1773, by the mediation of friends, as stated by the author, who was one of the Committee.

The following are extracts from the proceedings of the Governors, showing the settlement effected, being such portions of their proceedings as Sir James chose to print from the copy of the full proceedings in this matter sent him by order of the Governors in July, 1773.

MINUTES OF THE PROCEEDINGS OF THE GOVERNORS.

At a Meeting of the Governors of King's College, in the City of New York, on Thursday, the first Day of July, 1773.

Present—His Grace, the Archbishop of Canterbury (by his Proxy), Dr. Cooper. The Speaker of the General Assembly.[1] The Mayor of the City of New York.[2] The Rector of Trinity Church in the City of New York.[3] The Senior Minister of the reformed Protestant Dutch Church in said City.[4] The Minister of the antient Lutheran Church in the said City.[5] The President of King's College in the said City.[6]

Col. De Lancey,[7]	The Rev. Dr. Ogilvie,[11]
Mr. Livingston,[8]	The Rev. Mr. Inglis,[12]
Mr. Lispenard,[9]	Mr. White,[13]
Capt. De Lancey,[10]	Mr. Jacob Walton.[14]

The Rev. Mr. Inglis, Chairman of the Committee appointed on the 18th day of February last, to confer with Sir James Jay on the

[1] John Cruger.
[2] Whitehead Hicks.
[3] Rev. Dr. Auchmuty.
[4] Rev. Johannes Ritzema.
[5] Rev. Bernard M. Houseall.
[6] Dr. Myles Cooper.
[7] Oliver De Lancey, Sr., of the Council, subsequently Brigadier General.
[8] John Livingston.
[9] Leonard Lispenard, Treasurer of the College.
[10] James De Lancey, nephew of Oliver above named, head of that family and party, eldest son of Lt. Gov. De Lancey.
[11] Rev. John Ogilvie, of Trinity Church.
[12] Rev. Charles Inglis, of Trinity Church, after the war Bishop of Nova Scotia.
[13] Henry White of the Council.
[14] Of New York, brother of William Walton, and brother in-law of Speaker Cruger.

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NOTE XXVI.

JOHN JAY'S MARRIAGE.

Vol. II., *p.* 223, *Note* 1.

THE facts mentioned by the author in his note are not of the least importance in themselves, but some of the circumstances relating to them are a little curious genealogically.

The reference is to two of the daughters of Peter de Lancey, of Roschill, Westfarms, Westchester County, the head of the second branch of the de Lancey family, and through their mother grand daughters of Governor Colden.

An intimacy had long existed between the de Lanceys and the Jays, beginning with their first French ancestors, Etienne de Lancey and Augustus Jay, both of whose names appear together on the first page of its records as officers of the French Church in New York, and a consanguinity existed subsequently between their descendants. The facts stated were well known at the time in the families, and in New York society, but Mr. Jay mistook the cause of the decisions of the young ladies, which was that they preferred other suitors whom they married.

Though Mr. Jay did marry Miss Sarah Livingston in April, 1774, the friendly relations of the families continued unbroken. Four years afterward, when one of the brothers of these two ladies, Colonel James de Lancey, the famous commander of the Westchester Light Horse, happened to be taken prisoner and confined at Hartford, Mr. Jay, then at Poughkeepsie, wrote him in these words: "Notwithstanding the opposition of our sentiments and conduct relative to the present contest, the friendship which existed between us is not forgotten; nor will the good offices formerly done by yourself and family cease to excite my gratitude. How far your situation may be comfortable and easy I know not; it is my wish, and shall be my endeavour, that it may be as much so as may be consistent with the interest of that great cause to which I have devoted everything I hold dear in this world. I have taken the lib-

erty of re[illegible]ng Mr. Samuel Broome immediately to advance you one hundred dollars on my account.

"Your not having heard from me sooner was unavoidable. A line by the first opportunity will oblige me. Be explicit, and avail yourself without hesitation of the friendship which was entertained, as well as professed, for you, by

"Your obedient and humble servant,

"JOHN JAY.[1]

"POUGHKEEPSIE, 2d Jan., 1778."

Colonel de Lancey, however, had no occasion to accept this most friendly and considerate offer of Mr. Jay, being permitted to communicate with his own family. When Mr. Jay and Miss Livingston were about to be married, Mr. Jay wrote to his brother-in-law, the Rev. Dr. Henry Munro, rector of St. Peter's, Albany, who had married his sister, Eve Jay, to perform the ceremony, and his letter, among other papers, has descended to the writer of this note, who is maternally a great-grandson of Dr. and Mrs. Munro, and at present the head of the eldest branch of the de Lancey family, and is now in his possession. The Misses de Lancey, and Colonel James de Lancey, and Mr. Jay were blood relatives, the former being, on their father's side, great-grandchildren of Stephanus van Cortland, of the Manor of Cortlandt, and the latter, a grandson, maternally, of his brother, Jacobus van Cortlandt, of Lower Yonkers. They were, therefore, second cousins once removed.

NOTE XXVII.

SIR JAMES JAY, AND THE GOVERNORS OF KING'S COLLEGE.

Vol. II., p. 224

IN the introduction to his "Letter," mentioned below, Sir James gives the following account of his engaging in the col-

[1] Jay's Life of Jay, Vol. I., p. 84.

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remained long in Lynnhaven Bay, and in the other roadsteads they could not forbid the entrance into James River. Lord Cornwallis chose, however, to disobey the Commander-in-Chief's order *once more*, and without waiting for his approbation to remove the naval station to York river, alleging as a reason that it was there alone he could hope to give effectual protection to line-of-battle ships. It will already have been seen what protection he did, or could, give, to any ships [by] the position the French fleet [illegible], and that they were found in when the British armament arrived on Chesapeake Bay, after Lord Cornwallis's surrender.—C."

As to the statement of Stedman[1] that he had been superseded by Sir Guy Carleton, Clinton says:

"Sir H. Clinton takes leaves to repeat what the King was pleased to say to him at the first audience he was *called* to after his return from America, 'I always wished to see you, Sir Henry, in the command of my armies in America, but the Duke of Newcastle was so exceedingly pressing for your return that I was obliged at last to acquiesce.' Sir H. Clinton had asked 3 times every year to have leave to resign the command, but his Majesty would never before consent."

If this is true, it is clear that George III. himself was personally responsible for all the evils his cause suffered from Sir Henry Clinton's long command of the British army in America.

NOTE XXIII.

CONTEMPORARY NEW YORK OPINION OF CLINTON'S RESPONSIBILITY FOR THE SURRENDER OF CORNWALLIS, AND OF HIS REFUSAL TO PERMIT ARNOLD TO ATTACK WASHINGTON — THACHER'S STATEMENT — COLONEL HENRY LEE'S OPINION OF CLINTON AND THE OTHER BRITISH COMMANDERS.

Vol. II., *p.* 203.

A LETTER from a gentleman in New York to a relation in London, dated November 1, 1781, expresses strongly the contemporary opinion there of Clinton's conduct in 1781:

[1] Vol. II., p. 400.

"With much concern I am to acquaint you of the taking of Lord Cornwallis, with his brave army, by the French and rebels on the 19th of last month. Never I believe was an army so lost, not through any fault of the noble Earl, but entirely owing to our commander-in-chief, for which I am convinced he must render an account when he arrives in England. Every person of sense in this city is highly dissatisfied with Sir H. C., believing he might have prevented this fatal surrender.

"I will mention two instances in which I presume to think he might have saved that noble officer and his army:—Washington with an army of French and Rebels in the summer lay within a few miles of Kingsbridge. We had at least *twelve thousand men* in the city and at Kingsbridge, which was near *one half more than Washington's army*, but our commander in chief would not venture to attack them.—Washington finding this, moved, on his way to Virginia, through the Jerseys, and lay at Elizabethtown about three days. Many persons in town expected our army would have gone into Jersey to have stopped him from going against Lord Cornwallis, which at the time was known to be Washington's intention; but to our great sorrow it was not done. Washington's career would have been effectually prevented.

"I am informed a certain General, now in this city, offered to go into Jersey, to stop Mr. Washington, but it was not attended to.

"The second instance in which I think Lord Cornwallis and his army might have been saved is, his lordship was obliged to surrender *for want of ammunition*, which I cannot help thinking was well known here; notwithstanding which, I am informed that a ship is now in the harbour loaded with all kinds of military stores for Lord Cornwallis; and that this ship has been lying here loaded *ever since* MAY last. Whose fault it is she never sailed time must discover. . . . . Every loyalist in this city feels very sensibly this heavy loss. How Government will act in consequence of it, is impossible for any person on this side the Atlantic to form an idea. We in this city wait with much anxiety their determination.—I hope they won't give up this country. Indeed I think they cannot, there being too much depending.[1]

The following intelligence from New York was received in London some weeks before the news of the capture of Cornwallis:

"Private letters from New York give a very disagreeable account of the situation of affairs there. Ever since it was known that Washington was to attempt an attack at New York, serious plans and proposals for counteracting his schemes were laid before the Commander-in-Chief. There was also many well attested accounts of

[1] Political Magazine, Vol. III., p. 50.

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barracks without opposition, passed through the streets which four months previously had witnessed their most heroic efforts and moved out of the town along the River Road towards Chancellorsville. Held up by the demolition of bridges, the Regiment passed in an open field within the range of Confederate artillery on Marye's Heights. The events which then occurred were described in Holmes's letters to his parents.[40] The first was written in pencil on a battered slip of paper.

May 3. [1863]

Dear Mother

Ned Paine arrived here last night & is at present occupied in his maiden battle—if not killed.[41] Pour moi I'm already hit in the heel—bullet from spherical case—

Pleasant to see a d'd gun brought up to an earthwork deliberately brought to bear on you—to notice that your Co. is exactly in range—1st discharge puff—second puff (as the shell burst) and my knapsack supporter is knocked to pieces. . . . 2nd discharge man in front of me hit—3d whang the iron enters through garter & shoe into my heel—

They have been firing hard ever since & as the stretcher is waiting for me I stop.

Your loving
O W Holmes, Jr.

later I've been chloroformed & had bone extracted—probably shant lose foot

May 4. 63

Dear Father

I've written two or three epistles wh. I suspect will not reach you & so write again. I'm hit in the heel—ball (from sperical [*sic*] case) buried in Os Calcis—chloroformed & ball extracted—foot didn't have to come off as was feared—

I shall start for Phila, as soon as I can get my leave.

Love to all
O W Holmes, Jr

Murphy flesh wound in arm
No one else hurt

The casual references to the possibility that Holmes's wound could necessitate the amputation of his foot concealed a desire which he expressed at the time and which he recalled in later years, but which he did not mention in the quoted letters. Writing to Holmes on May 13, ten days after the wounding, his friend Whittier quoted Dr. Hayward, who had first attended to the wound, as reporting that "Holmes seemed to be rather sorry that he wasn't to lose his foot." [42] Seventy-one years later Holmes vividly recalled his prayers after the wounding that he might lose his foot in order that duty might not a third time compel him to return to the front.[43] The letters to his parents spoke cheerfully, but the mood behind them was of despair that the end of strain and suffering might not even yet be in sight.

After the customary stopover in Philadelphia Holmes returned to Charles Street for the longest period of convalescence which he experienced during the war. On May 25 his father described to Dr. Hunt of Philadelphia, who had once more cared for the wounded Captain en route to Boston, how things were going with his patient.[44]

> Wendell has been doing very well, but of course without any notable change. There has been very little pain, no mark of inflammation, nothing but what belongs to the healing process. . . . He is in excellent spirits, not at all nervous, as when he was last wounded, is very reasonably tractable, avoids stimulants, smokes *not* enormously, feeds pretty well, and has kept tolerably quiet until today, when Dr. Bigelow let him ride out, and is, on the whole, a quite endurable patient. . . .
>
> Dr. Bigelow has done nothing but keep the wound open as you did. He makes him use a little plug of *carrot* for that purpose, which is handy enough, and seems to agree very well with the wound. . . . I pinched W's heel a little the other day and asked him into what vegetable I had turned his carrot. No answer.
>
> Why, into a Pa's nip! was my response.

No other wit could make that particular sally, but the Captain was so frequently the subject of a more obvious, if less elaborate, effort of his visitors and friends that it taught him a lesson in psychology

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piration of his three-year term. In a few letters that survive, however, there are indications of the course which his doubts and his resolutions followed during his tour of duty on General Wright's staff. On April 17 he had written to Charles Eliot Norton from the headquarters of the Sixth Corps expressing gratitude and appreciation for Norton's kindness in sending him a copy of the *North American Review* containing an essay-review of Norton's on St. Louis and Joinville.[79] In the letter Holmes said that the story of Joinville had come "most opportunely now when we need all examples of chivalry to help us bind our rebellious desires to steadfastness in the Christian Crusade of the 19th century. If one didn't believe that this war was such a crusade," he went on to say, ". . . it would be hard indeed to keep the hand to the sword: and one who is rather compelled unwillingly to the work by abstract conviction than borne along on the flood of some passionate enthusiasm, must feel his ardor rekindled by stories like this." Holmes went on to speak of his prospective service. "In all probability from what I hear of the filling up of the Regiment I shall soon be mustered in for a new term of service as Lieutenant Colonel of the 20th and so with double reason I am thankful to read of the great dead who have 'stood in the evil day.' No—it will not do to leave Palestine yet." [80]

In the surviving record the next indication of Holmes's plans for his future service is found in a letter to his parents written on May 6 after the Wilderness and Spotsylvania, and after the death of "Little" Abbott and General Sedgwick. "[T]hese nearly two weeks," he wrote, "have contained all of fatigue & horror that war can furnish. . . . [N]early every Regimental officer I knew or care for is dead or wounded." The strain of these events had altered the plans that he had outlined to Norton. "I have made up my mind," he said, "to stay on the staff if possible till the end of the campaign & then if I am alive, I shall resign." In explanation of this decision he went on to say: "I have felt for some time that I didn't any longer believe in this being a duty & so I mean to leave at the end of the campaign, as I said if I'm not killed before." [81]

There were technical considerations which doubtless facilitated

against his decision against returning to the duties of the line. The Twentieth Regiment in which he still held his commission had been enlisted for three years, and all officers and men whose three years of service had expired were entitled to be discharged. The delays that had prevented Holmes from filling the post of Lieutenant Colonel, delays for which he had not been responsible, had kept him from holding the post to which he was entitled. Now he held a position elsewhere and his services with General Wright were appreciated. A return to the Twentieth would have brought him back to a Regiment largely reconstituted and haunted for him by the ghosts of dead friends. Without regard to Holmes's mental and physical exhaustion, there were, therefore, strong reasons which favored the decision to stay on General Wright's staff.

Holmes's announcement of his decision did not, however, make its precise nature clear. When he spoke of leaving the service at the end of "the campaign" it was possible to read his words as an indication that he would leave before many months, or even before many weeks had passed. Evidently his parents so read his announcement, for on May 30 he wrote to them once more, this time in response to their surprised and apparently disapproving comment on such a premature departure from the service. "I am sure," wrote Holmes, "I cannot have conveyed the idea, rightfully, that I intended resigning before the campaign was over (i.e. next winter just near the end of my term of service) —then I probably shall for reasons satisfactory to myself. I must say I dislike such a misunderstanding, so discreditable to my feeling of soldierly honor, when I don't believe there was a necessity for it." [2] In view of the ambiguity in Holmes's earlier letter his irritation with his parents for their interpretation of his announcement was scarcely justified. Legitimate or not, his protest clearly reflected a struggle in his own spirit between duty and inclination. His insistence that no other reasons than those which satisfied him were needed to support his decision was, perhaps, an assertion of his independence from parental authority. It also reflected some personal doubt whether his decision could be so explained as to satisfy the world that it was "right." Despite the indication to his parents that he

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Abbreviations

A.L.	Autograph letter
CLP	Holmes, *Collected Legal Papers* (New York, 1920)
HL	*Holmes-Laski Letters* (2 vols., Cambridge, 1953)
HLS	Harvard Law School
HP	*Holmes-Pollock Letters* (2 vols., Cambridge, 1941)
HUA	Harvard University Archives
HUh	Houghton Library, Harvard University
TWF	*Touched With Fire: Civil War Letters and Diary of Oliver Wendell Holmes, Jr.* (Cambridge, 1946)

1. *Childhood and Inheritance*

1. A.L. (HLS).
2. J. T. Morse, Jr., *Life and Letters of Oliver Wendell Holmes* (Boston, 1896), I, 322.
3. Letter to Phineas Barnes, Dec. 4, 1842; *id.*, 194.
4. This memorandum preserved by OWH in a scrapbook, now at the Houghton Library, is ascribed to Dr. Holmes by Miss Tilton; Eleanor M. Tilton, *Amiable Autocrat: A Biography of Dr. Oliver Wendell Holmes* (N.Y., 1947), 162. It is my impression, however, that the handwriting is that of Mrs. Holmes.
5. This report is in the copybook which Holmes kept while he attended Mr. Sullivan's school.
6. HLS.
7. A.L. (HLS).
8. *Mass. Hist. Soc. Proc.*, 2nd Ser., XVII, 517.
9. Charles Francis Adams, *Autobiography* (Boston, 1916), 22, 23.
10. Charles William Eliot, *A Late Harvest* (Boston, 1924), 18.
11. Henry Cabot Lodge, *Early Memories* (N.Y., 1913), 81.
12. A.L., Dec. 10, 1882 (HLS).
13. *Mass. Hist. Soc. Proc.*, LXV, 214.
14. *The "Original Poems" and others by Ann and Jane Taylor and Adelaide O'Keeffe* (Lucas, ed., London, 1903), xvii.
15. Francis Biddle, *Mr. Justice Holmes* (N.Y., 1942), 30.
16. A.L., Feb. 13, 1932 (HLS).
17. OWH conversation with author.
18. A.L., Morse to Henry Cabot Lodge, Oct. 5, 1914 (Lodge Papers, Mass. Hist. Soc.).
19. A.L., March 5, 1931 (HLS).
20. A.L., July 29, 1899 (HLS).
21. Morse to T. S. Perry, Sept. 13, 1918 (copy, HLS).
22. A.L., March 9, 1821 (HLS).
23. A.L., Nov. 24, 1922 (HLS).
24. A.L., Feb. 13, 1932 (HLS).
25. F. C. Fiechter, Jr., "The Preparation of an American Aristocrat," *New England Quarterly*, VI, 1, 7–8 (March 1933). The same incident was recounted by OWH to the author.
26. A.L. to Baroness Moncheur, Aug. 28, 1911 (HLS).
27. Holmes to Pollock, Oct. 27, 1901; HP, I, 99.
28. Holmes to Pollock, June 23, 1906; *id.*, 127.
29. HP, I, 64.
30. A.L. to Mrs. Clara Sherwood Stevens, Aug. 4, 1914 (HLS).
31. *Alice James: Her Brothers, Her Journal* (Anna Robeson Burr, ed., N.Y., 1934), 102.

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32. *Supra*, note 31.
33. Morse, *Life and Letters*, I, 210.
34. Henry James, *Notes of a Son and Brother* (N.Y., 1914), 350.
35. *Id.*, 351–352.
36. HP, II, 41; HL, I, 485.
37. Undated letter to Harriet Beecher Stowe, Morse, *Life and Letters*, II, 245, 246.
38. To Harriet Beecher Stowe, May 29, 1859; *id.*, 226.
39. A.L. to Baroness Moncheur, Aug. 29, 1908 (HLS).
40. *Mechanism in Thought and Morals*, *Works*, VIII, 260, 312.
41. To Harriet Beecher Stowe, Morse, *Life and Letters*, II, 230.
42. "Jonathan Edwards," *Works*, VIII, 361.
43. To Harriet Beecher Stowe, *supra*, note 41.
44. *Over the Teacups*, *Works*, IV, 105.
45. Writing to Harold Laski, Nov. 23, 1928; HL, II, 1113.
46. A.L. to Harold Laski, June 26, 1919 (HLS).
47. HL, I, 470. The book in question was May Sinclair's *Anne Severn and the Fieldings* (N.Y., 1922).
48. *Supra*, note 44.
49. A.L. to Ellen Askwith, March 3, 1915 (copy, HLS).
50. Tilton, *Amiable Autocrat*, 99, 100.
51. *Journal of the History of Ideas*, IX, 14, 15 (1948).
52. "Professor at the Breakfast Table," *Works*, II, 295.
53. A.L., Henry James to Henry James, Sr., March 18, 1873 (HUh).
54. A.L., Oct. 5, 1914 (Lodge Papers, Mass. Hist. Soc.).
55. A.L. June 11, 1866 (HLS).
56. HL, II, 1278.
57. Morse, *Life and Letters*, I, 247.
58. A.L. to Mrs. John C. Gray, Dec. 23, 1926 (HLS).
59. Morse, *Life and Letters*, I, 248.
60. *Id.*, 247.
61. *Id.*, 246.
62. See Harold J. Laski, in *Mr. Justice Holmes* (Frankfurter, ed., N.Y., 1931), 157.
63. Morse, *Life and Letters*, I, 264.
64. *Speeches*, 24.
65. *Speeches*, 85.
66. *Works*, II, 38.
67. In *Towne* v. *Eisner*, 245 U.S. 418, 425 (1918).
68. *Works*, II, 6–7.
69. "Law in Science—Science in Law," CLP, 210, 238.
70. "Natural Law," CLP, 313.
71. "The Professor at the Breakfast Table," *Works*, II, 117.
72. A.L. to Clara Stevens, Nov. 24, 1909; to Dean Wigmore, May 14, 1930 (HLS).
73. "The Path of the Law," CLP, 188–189.
74. To James Freeman Clarke, Oct. 24, 1862; Morse, *Life and Letters*, I.

306. In wartime, however, the Doctor spoke eloquent words in defense of the reformer: see "The Inevitable Trial," *Works*, VIII, 78, 90–91.

75. Morse, *Life and Letters*, I, 298.

76. HL., II, 918.

77. A.L. to Dean Wigmore, Dec. 4, 1910 (HLS).

78. A.L., Nov. 19, 1915 (HLS).

79. A.L. to Lady Ellen Askwith, March 3, 1915 (copy, HLS).

80. "Mechanism in Thought and Morals," *Works*, VIII, 260, 307.

81. *Id.*, 301.

82. "The Soldier's Faith," *Speeches*, 57

83. Morse, *Life and Letters*, I, 270.

84. "The Soldier's Faith," *Speeches*, 63.

85. A.L. to Felix Frankfurter, May 21, 1926 (HLS).

86. A.L., Nov. 12, 1875 (HLS).

87. Morse, *Life and Letters*, I, 171.

88. A.L., July 22, 1866 (HLS).

89. *Id.*

90. The phrases appeared in Holmes's letter of Sept. 23, 1861, addressed to his mother; TWF, 8, 12.

91. See in general Kenneth Wiggins Porter, *The Jacksons and the Lees* (2 vols., Cambridge, 1937).

92. HL., I, 165.

93. The best recent account of the controversy between Abiel Holmes and his parishioners is in Eleanor M. Tilton's *Amiable Autocrat*, 43–49.

94. *Baker* v. *Fales*, 16 Mass. 488 (1820).

95. A.L. to Mrs. John C. Gray, July 21, 1891 (HLS).

96. A letter from Mrs. Holmes to Miss Emily Hallowell of Aug. 5, 1863 (HLS), when Holmes was in Boston recuperating from his wounds at Antietam, reported that "Wendell . . . has begun to take lessons on horseback."

97. Tilton, *Amiable Autocrat*, 219.

98. "Natural Law," CLP, 310, 311.

99. A.L. to Baroness Moncheur, Aug. 31, 1910 (HLS).

100. A.L. to same, Aug. 29, 1908 (HLS).

101. A.L. to same, Jan. 9, 1915 (HLS).

102. *Id.*

103. A.L. to Lady Leslie Scott, May 21, 1923 (HLS).

104. Speech at the Tavern Club, Nov. 14, 1902 (MS, HLS).

105. HL., I, 712–713.

106. *Supra*, note 104.

107. Writing to Harold Laski on Feb. 25, 1925, he spoke of this work as "the delight of my boyhood"; HL, I, 709.

108. HL., I, 564–565.

109. HL, II, 207.

110. Letter to Learned Hand, May 6, 1924 (copy, HLS).

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2. *Harvard College*

1. Unpublished letter of Jan. 27, 1860, quoted in Allan Nevins, *Ordeal of the Union* (N.Y., 1947), I, 78. Bowen's review of *The Origin of Species* appeared in the April issue: *North American Review*, XC, 474 (1860).

2. Francis Bowen, *Principles of Metaphysical and Ethical Science Applied to the Evidences of Religion* (Boston, 1855), vii.

3. Henry M. Rogers, *Memories of Ninety Years* (Privately Printed, 1932), 55–56, quoting from an unnamed member of the class of 1862.

4. *The Education of Henry Adams* (Boston, 1918), 55. There is no better description of Harvard in the late fifties than in Herbert Samuels, *The Young Henry Adams* (Cambridge, 1948), chap. i.

5. *Charles Francis Adams, 1835–1915: An Autobiography* (Boston, 1916), 35.

6. *The Letters of John Fiske* (Fisk, ed., N.Y., 1940), 58.

7. These votes are recorded in minutes of the Faculty meetings between the fall of 1857 and June 1861 (HUA).

8. *Id.*

9. President's correspondence, 1857–1861 (HUA).

10. *War Diary and Letters of Stephen Minot Weld, 1861–1865* (Privately Printed, 1912), 14.

11. Samuel E. Morison, *The Development of Harvard University, 1869–1929* (Cambridge, 1930), lxviii.

12. Other roomers at Danforth's during Holmes's college years were Josiah Bradlee, John Homans, Henry Ropes, Francis Lee Higginson, Charles Jackson, Robert Shaw Perkins, and Francis Lowell Gardner.

13. By action of the Faculty these bloody conflicts were terminated during Holmes's senior year. The exercises in which a football was buried, an obituary sermon delivered, and a funeral dirge sung were described by John Fiske, *Letters*, 48–50.

14. *The Early Years of The Saturday Club* (Emerson, ed., 1918), 164.

15. Hubert Weir Smyth in Morison, *Development of Harvard*, 38.

16. HH., I, 727.

17. See, e.g., HP, I, 258.

18. *Harvard Magazine*, IV, 408.

19. In fairness to Professor Cooke it is worth remembering that Holmes in 1867 gratefully recalled his exceptional talent as lecturer in translating mathematics into English. See Ralph Barton Perry, *The Thought and Character of William James* (Boston, 1935), I, 505, 507. The words which Perry there reads "on terms" should be *"ore tenus."*

20. The records of both organizations are preserved in the Harvard Archives.

21. The records of the Hasty Pudding show that Holmes held the offices of Secretary and Poet in his senior year (HUA).

22. A corrected copy of Holmes's remarks on the occasion is preserved among his papers.

23. *Harvard Magazine*, VII, 26. The contribution is identified as Holmes's in an index of the magazine made by Holmes's classmate F. W. Hackett (HUA).

24. Letter to Arthur Garfield Hays, April 20, 1928 (copy, HLS).

25. III., I, 772.

26. The obituary appears in the records of the Porcellian Club and was made available to me by the kindness of Mr. Benjamin Joy Gardner, who roomed at Mr. Danforth's house on Linden St., had died while on a shooting trip at Cotuit, on Cape Cod. From the unpublished diary of Francis William Bartlett shown to me by his daughter, Miss Edith Bartlett of Pittsfield, it appears that Holmes was among Gardner's companions on the trip.

27. Samuel E. Morison, *Three Centuries of Harvard* (Cambridge, 1936), 308.

28. Edwin H. Hall in Morison, *supra*, note 11, 278.

29. Letter to John T. Morse, Jr., Nov. 8, 1926 (copy, HLS). See Dr. Holmes's *Ralph Waldo Emerson*, *Works*, XI, 58.

30. Letter to Learned Hand, May 8, 1924 (copy, HLS).

31. The account of these conversations given by Elizabeth Shepley Sergeant in her essay "Justice Touched with Fire," reprinted in her *Fire under the Andes* (N.Y., 1927) in *Mr. Justice Holmes* (Frankfurter, ed., N.Y., 1931), 183, 192–193, is based upon Holmes's own statement of the incident in a letter to Miss Sergeant of Dec. 7, 1926 (copy, HLS). See also Dr. Holmes's, *Ralph Waldo Emerson*, *Works*, XI, 56.

32. *University Quarterly*, II, 217.

33. *Id.*, 216.

34. *Id.*, 215.

35. *Id.*, 216.

36. *Id.*, 210.

37. *Id.*, 207.

38. *Id.*, 217.

39. *Id.*

40. *Id.*, 214–215.

41. *Harvard Magazine*, VII, 41 (Oct. 1860). A penciled note at the head of Holmes's copy of the essay states that it was written during the summer vacation in 1860.

42. Wolfgang Stechow, "Justice Holmes' Notes on Albert Dürer," *The Journal of Aesthetics and Art Criticism*, VIII, 119, 120 (Dec. 1949).

43. *Harvard Magazine*, VII, 43–44.

44. *Id.*, 143. Holbrook is identified as the author in the Hackett index, *supra*, note 23.

45. Holmes's associates as senior editors, who were elected by their classmates, were Wendell Phillips Garrison and Albert Stetson.

46. Letter of Jan. 17, 1861 (HUA).

47. Garrison is identified as the author in the Hackett index, *supra*, note 23.

48. *University Quarterly*, I, 21 (Jan. 1860).

49. *Harvard Magazine*, VII, 345 (June 1861).

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50. *Id.*

51. In the issue for Nov. 1860 (VII, 111) a notice of new editions of Macaulay's *History of England*, *The Works of Charles Lamb*, and Izaak Walton's *Lives* is identified as Holmes's in the Hackett index, *supra*, note 23.

52. *Harvard Magazine*, VII, 235.

53. Preface, iii–iv.

54. *Id.*, 31.

55. *Id.*, 47.

56. Bowen, *The Principles of Political Economy* (2nd ed., Boston, 1859), 22–23.

57. See, e.g., at 271: "The intention of Providence seems to be, that the time and labor economized through the use of machinery and improved modes of production, in the production of necessaries, should be devoted to the creation of luxuries for very general use. . . ."

58. The American phenomenon of high wages was explained as follows: "I attribute the result, therefore, to moral rather than to physical causes,—to American institutions, more than to the fact that America is still a new country, and is rich in fertile and yet unoccupied land." *Id.*, 203.

59. *Id.*, 141.

60. HL, I, 658.

61. Bowen, review of *The Origin of Species*, *North American Review*, XC, 474 (April 1860).

62. HL, II, 893.

63. See undated pamphlet, *Richard P. Hallowell* [1835–1904]: *"A Soldier in the Army of the Lord."*

64. *The Liberator*, XXXI, 15, col. 1 (Jan. 25, 1861).

65. The fullest accounts of the bodyguards and of the events of Jan. 1861 are in George W. Smalley, *Anglo-American Memories* (London, 1911), chaps. 9–11, and Thomas Wentworth Higginson, *Cheerful Yesterdays* (Boston, 1891), 230–241.

66. Original at HLS.

67. Boston *Herald*, Jan. 24, 861, 2, col. 3.

68. *The Liberator*, XXXI, 28, col. 6 (Feb. 15, 1861).

69. See Smalley, *Memories*, 87–88.

70. *The Liberator*, XXXI, 19, col. 4 (Feb. 1 1861).

71. The precise date of Holmes's enlistment is not known. Facts concerning the 4th Battalion are to be found in *Record of the Service of the Forty-Fourth Massachusetts Volunteer Militia in North Carolina* (Privately Printed, 1887), chap. i, and Roe, *The Twenty-Fourth Regiment, Massachusetts Volunteers* (Worcester: Privately Printed, 1907).

72. College Letters, V, 141 (HUA).

73. Letter of July 24, 1861, printed in M. A. DeW. Howe, *Holmes of the Breakfast Table* (New York, 1939), 102, 103.

74. Letter of July 26, 1861; College Letters, V, 210 (HUA).

75. Letter of July 6, 1926 (copy, HLS).

76. Letter of Feb. 8, 1927 (copy, HLS).

77. Letter of Nov. 17, 1926 (copy, HLS).

3. Civil War: 1861–1862

78. TWF 122, note 1.

79. "Plato," *Harvard Magazine*, II, 207, 217.

80. "Notes on Albert Dürer," *Harvard Magazine*, VII, 41, 43.

81. This unpublished diary is in the possession of General Bartlett's daughter, Miss Edith Bartlett of Pittsfield, and is quoted with her generous permission. The account of life at Fort Independence is based principally on that diary.

82. "The Soldier's Faith," *Speeches* (1913), 56, 64, 63.

83. Bartlett diary, entry of June 2.

84. Roe, *The Twenty-Fourth Regiment, Massachusetts Volunteers* (Worcester, 1907), 12.

85. In his Autobiographical Sketch in the Class Album, Holmes, writing on July 2, 1861, said, "When the war broke out I joined the '4th Battalion of Infantry' and went down to Fort Independence expecting when drilled to go south (as a private)." Reprinted in Max Lerner, *The Mind and Faith of Justice Holmes* (Boston, 1943), 6, 7.

86. *Charles Francis Adams, 1835–1915: An Autobiography* (Boston, 1916), 117.

87. A.L., Colonel Lee to Holmes, June 10, 1881 (HLS).

88. M. A. DeW. Howe, *Holmes of the Breakfast Table*, 101.

89. The statement of Howe in *Holmes of the Breakfast Table* and of Miss Tilton in *Amiable Autocrat*, 261, that Holmes did not take his June examinations appears to be inaccurate. Not only was he awarded his degree, which would seem to indicate compliance with the Faculty's vote of June 10, but writing to Dr. Holmes on June 20, 1861, President Felton stated that the son had credit for the examinations at the close of the term: College Letters, V, 261 (HUA).

90. *The Education of Henry Adams* (Boston, 1918), 68.

91. Cambridge *Chronicle*, Sat., June 22, 1861. Other reports of the Class Day exercises were published in the New York *Tribune* for July 8, 1861, the Boston *Evening Transcript* for June 21, 1861, and the Boston *Daily Advertiser* for June 22, 1861.

92. Boston *Evening Transcript*, *supra*.

93. Lerner, *supra*, note 85, 6, 8.

94. A.L. to Felix Frankfurter, Nov. 2, 1916 (HLS).

95. College Letters, V, 291 (HUA).

96. Howe, *Holmes of the Breakfast Table*, 102–104. General Winfield Scott had been given an honorary degree at the Commencement exercises.

97. Lerner, *supra*, 7.

98. *Harvard Memorial Biographies* (Boston, 1867), I, iii, quoting Plato's Menexenus, Sec. 9.

3. Civil War: 1861–1862

1. The official records give the date of Holmes's first commission as July 10, 1861. It is clear, however, that that date was selected retroactively. Though John Lothrop Motley on July 7 wrote to his wife saying that "young Wendell

Holmes . . . has a lieutenant's commission in Lee's regiment," four days later he spoke as if no commission had yet been issued and indicated that on July 12 Dr. Holmes was going to appeal personally to Colonel Lee on his son's behalf: *Correspondence of John Lothrop Motley* (Curtis, ed., N.Y., 1889), II, 8, 11. A letter from Holmes to Lieutenant Colonel Henry Lee indicates that on the 23rd the two had spoken of problems concerning the Twentieth Regiment: Executive Department Letters, XXIII, #15 (State House Archives). Holmes's Captain in the Fourth Battalion on July 9 had written to Governor Andrew on Holmes's behalf stating that Holmes had, for the last three months, been under his command and "to judge from the faithful manner in which he has always performed his duties as a private, and the progress he has made, I think he will prove himself a capable and efficient officer." Executive Department Letters, XXIII, #10.

2. William Raymond Lee, "Paul Joseph Revere," *Harvard Memorial Biographies* (Cambridge, 1867), I, 203, 206. See also F. J. Child, "James Jackson Lowell," *id.*, 395, 398.

3. George A. Bruce, *The Twentieth Regiment of Massachusetts Volunteer Infantry, 1861-1865* (Boston, 1906), 5-6.

4. Unpublished Reminiscences of Joseph F. Murphy of Company I (Twentieth Regiment Papers, Boston Public Library).

5. Letter of Jan. 20, 1863 to Lieutenant LeBarnes, Executive Department Letters, XXIII, #13 (State House Archives).

6. A.L., Henry L. Abbott to his father, Josiah G. Abbott, Sept. 14, 1863: "Thank God, however, that in the regiment they are all unanimous on the right side. The few abolitionists in the army call this the copperhead regiment." Again, writing to his mother on Dec. 6, 1863, Abbott spoke of "this army of noble copperheads." See also his letter to his father of July 27, 1863. (Originals in HHL.)

7. A.L. to Holmes, Nov. 10, 1863 (Civil War Scrap-Book, #1, HHS).

8. In the spring of 1862, while Lieutenant Colonel Palfrey was commanding the Regiment, he ordered that all Negroes who had come as fugitives from slavery within the Regimental lines and had been employed by officers as personal servants, should be turned out of camp. Lieutenant John W. LeBarnes refused to carry out the order, and was arrested. Tendering his resignation from the Regiment to Governor Andrew, he protested vigorously not only against the inhumanity of Palfrey's order by which Negroes were sent back into slavery, but against the "particular proteges" of Palfrey who had inspired it. LeBarnes's account of the incident is in Executive Department Letters [State Archives], XLVI, #135. Another similar incident had already brought Palfrey and Governor Andrew into conflict; see Albert Gallatin Browne, *Sketch of the Official Life of John A. Andrew* (N.Y., 1868), 84 *et seq.*; *Works of Charles Sumner* (Boston, 1874-1883); VI, 146. See also Bruce Catton, *Mr. Lincoln's Army* (N.Y., 1954), 72 *et seq.*

9. *Massachusetts in the Army and Navy During the War of 1861-65* (Higginson, ed., Boston, 1896), 39. Cf., *id.*, 135.

10. Executive Department Letters [State Archives], XLVI, #158. Cf. *id.* XXIII, #56.

11. Bruce, *The Twentieth Regiment of Massachusetts Volunteer Infantry, 1861–1865*.

12. The *Boston Post*, for Dec. 24, 1889, published a resolution from the surviving members of the Twentieth Regiment to Colonel Palfrey's widow which was written by Holmes. The resolution included the following passage: "At last the shot which struck him upon the field of Antietam has done its work and he suffers no more. His name is added to the glorious list of those whom he loved and who loved him—Revere, Bartlett, Abbott, Lowell, Ropes, Putnam and so many more—who like him and no more than he fell in battle, although the end was less delayed."

13. Boston *Evening Transcript*, Sept. 20, 1910, p. 10, col. 6.

14. A.L. to Felix Frankfurter, Nov. 2, 1916 (HLS), quoted *supra*, p. 77. See also Carolyn Kellogg Cushing, "The Gallant Captain and the Little Girl," *Atlantic Monthly*, CLV, 515 (May, 1935). It would seem that Mrs. Cushing's recollections misled her when she brought Holmes to Pittsfield in the late summer of 1861.

15. Bruce, *Twentieth Regiment*, 6.

16. *Id.*, 7–9.

17. "A Short History of the Service of Daniel McAdams in Company I 20 Regiment Mass. Vol. 30 Years after the War Wrote from Memory" (Loyal Legion Papers, HUh).

18. "Journal of Brevet Brigadier General Caspar Crowninshield" (Boston Public Library, Twentieth Regiment Collection).

19. Norwood P. Hallowell, *Reminiscences Written for my Children at the Request of their Mother* (Privately Printed, 1897), 20–23.

20. Bruce, *Twentieth Regiment*, 12.

21. *Boston Journal*, Sept. 7, 1861.

22. Crowninshield, "Journal." See also TWF, 4.

23. Hallowell, *Reminiscences*, 23.

24. Crowninshield, "Journal."

25. Bruce, *Twentieth Regiment*, 12.

26. A.L., Henry L. Abbott to his mother, Sept. 7, 1861 (HUh).

27. TWF, 4–6.

28. *Id.*, 6–8.

29. Brigadier General Frederick W. Lander was commanding a Brigade in General Charles P. Stone's Corps of Observation.

30. Francis W. Palfrey, *Memoir of William Francis Bartlett* (Boston, 1881), 7–8.

31. C. A. Whittier, "Egotistic Memoirs" (Unpublished MS, Boston Public Library, Twentieth Regiment Collection), 1.

32. Palfrey, *Bartlett*, p. 8.

33. A.L., Edward G. Abbott to his father Josiah G. Abbott, Sept. 17, 1861 (HUh).

34. Crowninshield, "Journal," 36.

35. Andrew E. Ford, *The Story of the Fifteenth Regiment Massachusetts Volunteer Infantry* (Clinton, Mass., 1898), 56.

36. TWF, 8–12.

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37. Charles A. Whittier, later to be Holmes's companion on the staff of the Sixth Corps, was 2nd Lieutenant in Holmes's company—Company A.

38. Captain Caspar Crowninshield commanded Company D and Captain Edmund A. Walleston, Company F.

39. On Sept. 10 General Stone had issued the following "order": "The General commanding, desires to caution all under his command against the unmilitary and treasonable practice, too much followed in some corps of the army, of writing private reports of military movements and operations which may find their way into the newspapers and thence to the enemies of the country." Ford, *Fifteenth Regiment*, 58.

40. See HP, II, 36.

41. Bruce, *Twentieth Regiment*, 18–22.

42. A.L., Colonel Lee to Dr. Holmes, Oct. 9, 1861 (HLS).

43. Bruce, *Twentieth Regiment*, 20.

44. It was so described by Thomas Wentworth Higginson, *Massachusetts in the War*, 31.

45. Crowninshield, "Journal," entry for Oct. 21, 1861.

46. A.L., C. A. Whittier to Dr. Holmes, Oct. 22, 1861 (HLS).

47. Palfrey, *William Francis Bartlett*, 23–25.

48. A.L., Holmes to Sir Alfred Zimmern, Jan. 22, 1918 (copy, HLS).

49. Whittier to Dr. Holmes, *supra*, note 46.

50. A.L., Nov. 24, 1861 (Reports, Letters, and Papers Appertaining to the Twentieth Massachusetts Volunteer Infantry, I (Boston Public Library)).

51. TWF, 14–17. The reading of the original letter there suggested has been slightly revised.

52. Colonel Lee, Major Paul Revere, Adjutant Charles L. Peirson, and Lieutenant George B. Perry were all captured. Captain Babo and Lieutenant Wesselhoeft, of the German companies, were shot or drowned while attempting to swim from the Virginia shore to Harrison's Island.

53. The memorandum has not been preserved.

54. *Supra*, note 46.

55. A.L., Oct. 25, 1861 (HLS).

56. A.L., Oct. 26, 1861 (HLS). The portrait was presumably of Holmes's friend Miss Ida Agassiz, later Mrs. Henry Lee Higginson.

57. *Harper's Weekly*, V, 706 (Nov. 9, 1861).

58. A telegram from Anna Hallowell to Dr. Holmes, dated Nov. 1, announced that "Wendell arrived here last evening and is doing very well." (Original, HLS.)

59. A.L., Nov. 3, 1861 (HLS).

60. A.L., Nov. 8, 1861 (HLS).

61. Writing to Motley on Nov. 29, Dr. Holmes said that "a fortnight ago yesterday I brought him [Wendell] to Boston on a bed in the cars." Morse, *Life and Letters*, II, 157, 158. Dr. Holmes evidently made an inaccurate count of time in dating his son's return, for Holmes arrived in Boston on Nov. 9.

62. CLP, 300.

63. *Id.* Cf. his statement to Harold Laski: "I care a damn sight more for

ideas than for facts." III., I, 128. Writing to Baroness Moncheur he said that he contrasted the internal and external men by calling them "ideasts and thingsters." A.L., April 4, 1919 (HLS).

64. The diary which Holmes kept in 1864 when he was a Staff Officer with the Sixth Corps is principally concerned with external events. The loose sheets enclosed in that small notebook, and in which the account of Ball's Bluff is contained, were evidently torn from another memorandum book which has not survived. References in the account itself indicate that it was written either toward the very close of Holmes's military service or a short time after the Civil War.

65. TWF, 23–33.

66. "Wilder Dwight," *Harvard Memorial Biographies* (Cambridge, 1867), I, 252, 268, 271.

67. The list purports to include visitors during November only.

68. See Dr. Holmes's letter to Dr. Hunt, Nov. 12, 1861: Howe, *Holmes of the Breakfast Table*, 105–106.

69. *Works of Charles Sumner*, VI, 130.

70. III., I, 161.

71. *Works of Charles Sumner*, VI, 145.

72. Morse, *Life and Letters*, II, 157, 158.

73. *Id.*

74. M. A. DeW. Howe, *Memories of a Hostess* (Boston, 1922), 21.

75. On Feb. 3, 1862, Dr. Holmes wrote to Motley that "my boy is here—still detailed on recruiting duty—quite well." Morse, *supra*, note 72, 159, 163. See also, Bruce, *Twentieth Regiment*, 71–72. That Holmes was recruiting in Pittsfield is indicated in Morse as well as in Carolyn Kellogg Cushing, "The Gallant Captain and the Little Girl," *Atlantic Monthly*, CLV, 545 (May 1935).

76. A.L. to Baroness Moncheur, Jan. 23, 1918 (HLS).

77. III, I, 258.

78. *Supra*, p. 89.

79. TWF, 37, 38.

80. *Id.*

81. Letter of Feb. 16, 1862, to John C. Ropes (Twentieth Regiment Collection, Boston Public Library). Lieutenant Ropes was killed at Gettysburg. His view of Lowell's military prowess was not shared by others: see *Harvard Memorial Biographies*, I, 395.

82. Letter to Baroness Moncheur, Jan. 9, 1915 (HLS).

83. Letter of Nov. 22, 1862, to John C. Ropes (Boston Public Library).

84. A.L. to his father, Josiah G. Abbott, May 19, 1862 (HCh).

85. *Id.*, Sept. 18, 1863.

86. TWF, 38.

87. *Id.*, 44, 45.

88. *Id.*, 42.

89. *Id.*

90. Letter to parents, April 23, 1862; *id.*, 45–46. Holmes's commission as

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Captain did not reach him until May 4, according to a penciled note of that date in his Civil War Scrap Book, #1, 1.

91. A.L. to Josiah G. Abbott, March 17, 1862 (HUh).

92. *Id.*, Sept. 18, 1863.

93. The loss of a leg did not prevent Bartlett's return to duty later in the War as Colonel of the Forty-Ninth Regiment.

94. William Swinton, *Campaigns of the Army of the Potomac* (N.Y., 1866), 130.

95. *Id.*, 137.

96. TWF, 49–50. Another account of Fair Oaks and the engagements which followed it is an A.L. from Holmes to Miss Eugenia Mifflin, dated June 7, 1862 (HLS).

97. *Id.*, 50.

98. *Id.*, 51.

99. *Id.*, 53.

100. *Id.*, 52.

101. *Id.*

102. *Id.*, 52–53.

103. HH, I, 781.

104. TWF, 56.

105. Lieutenant James Jackson Lowell, nephew of James Russell Lowell, after the battle died in the hands of the Confederates; see Child, *supra*, note 2.

106. Lieutenant Henry Lyman Patten later became Major of the Regiment and died of wounds received on Sept. 13, 1864, at Bailey's Creek; see George E. Pond, "Henry Lyman Patten," *Harvard Memorial Biographies* (Cambridge, 1867), I, 415.

107. Lieutenant August Muller of Company E was wounded and taken prisoner.

108. TWF, 58.

109. Miss Ellen Hooper later became the wife of Professor Ephraim W. Gurney.

110. A.L. to John C. Ropes (Twentieth Regiment Collection, Boston Public Library).

111. Channing, *History of the United States* (N.Y., 1925), VI, 472.

112. TWF, 62.

113. "My Hunt after 'The Captain,'" *Works*, VIII, 16. A notation on the original telegram (at HLS) indicates that it was received in the Boston office of the American Telegraph Company at 11:45 P.M., on Sept. 17.

114. HP, II, 270.

115. The MS copy of the speech, which was delivered on Dec. 11, 1897, is among Holmes's papers at the HLS.

116. HP, II, 270. See *supra*, note 57.

117. TWF, 64.

118. Hallowell, *supra*, note 19, 16–18.

119. Original at HLS.

4. Civil War: The Later Years

120. Alice Sumner LeDuc, "The Man who Rescued 'The Captain,'" *Atlantic Monthly*, CLXXX, 80 (Aug. 1947). See also TWF, footnote, 65–66.

121. For LeDuc's later account of Mrs. Kitzmuller, see TWF, footnote, 65–66.

122. Anna Howard Kennedy Findlay, "Where the Captain Was Found," *Maryland Historical Magazine*, XXXIII, 109 (June 1938).

123. TWF, 67.

124. *Works*, VIII, 67.

125. *Id.*, 70.

126. *Id.*, 77.

127. TWF, 97, note 1.

4. Civil War: The Later Years

1. Henry Greenleaf Pearson, *The Life of John A. Andrew* (Boston, 1904), II, 55.

2. James Schouler, *History of Massachusetts in the Civil War* (Boston, 1868), I, 374.

3. Scrap-Book, $\frac{\#}{\#}$1 (HUh).

4. TWF, 63.

5. *Id.*, 80.

6. A.L. to Clara Sherwood Stevens, March 6, 1909 (HLS).

7. Letter to Albert J. Beveridge, Nov. 17, 1926 (copy, HLS).

8. TWF, 73.

9. *Id.*, 79–80.

10. A letter from Dr. Holmes to an unidentified correspondent, dated Nov. 13, 1862, said that his son was compelled by a recent order to hurry back to his Regiment on the preceding day (A.L., Boston Public Library).

11. TWF, 70.

12. Id., 71. The quoted passage suggests the *mot* of Dr. Holmes in the *Professor:* "I go politically for equality and socially for *the* quality." *Works*, II, 133.

13. TWF, 72.

14. Holmes evidently had been suffering from dysentery since early in December; see Morse, *Life and Letters*, II, 172.

15. TWF, 71–78.

16. Francis A. Walker, *History of the Second Army Corps* (N.Y., 1886), 145.

17. TWF, 90. Cf. Holmes's "Memorial Day," *Speeches*, 1, 8.

18. *War of the Rebellion*, Series I, XXI, 283.

19. A.L., Henry L. Abbott to Josiah G. Abbott, July 27, 1863 (HUh).

20. A.L., Henry L. Abbott to an unidentified correspondent, Aug. 17, 1863 (HUh).

21. "The Inevitable Trial," *Works*, VIII, 78, 109.

22. "The Soldier's Faith," *Speeches*, 56, 59.

23. A.L., Henry L. Abbott to George Perry, Dec. 17, 1862 (HUh). In a

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letter to his father dated Dec. 21, Abbott said that Holmes "still has dysentery badly." (*Id.*)

24. A copy of the address is in Reports, Letters and Papers Appertaining to the 20th Massachusetts Volunteer Infantry, II, 50 (Boston Public Library). Holmes is identified as the author in an A.L. of Henry L. Abbott to George Perry of Dec. 21, 1862 (HUh), and in a letter from Henry Ropes to his mother, Jan. 12, 1863 (Boston Public Library).

25. Writing to his daughter on Jan. 8, 1863, Emerson described events of the last few days: "I found Dr. and Mrs. Holmes in the cars at Boston (bound for Philadelphia to find the Captain again who is sick there). . . ." *Letters of Ralph Waldo Emerson* (Rusk, ed., N.Y., 1939), V, 305. A letter to Holmes from Captain Whittier, dated Jan. 3, 1863, was addressed to him in Philadelphia (Civil War Scrap-Book, #1, HLS).

26. Holmes's Civil War Scrap-Book, #1 (HLS) contains a communication, dated Jan. 3, 1863, endorsed by George H. Boker, giving Holmes temporary privileges in a Philadelphia club. "The Crossing at Fredericksburg" is in George H. Boker, *Poems of the War* (Boston, 1864), 82.

27. A.L. to John C. Ropes, Jan. 17, 1863 (Boston Public Library).

28. A.L. to Josiah G. Abbott, Jan. 19, 1863 (HUh).

29. A.L. to John C. Ropes, Jan. 21, 1863 (Boston Public Library).

30. A.L. to Baroness Moncheur, Oct. 23, 1916 (HLS).

31. A.L. to John C. Ropes, April 17, 1863 (Boston Public Library).

32. *Id.*, April 25, 1863.

33. TWF, 85, 86.

34. The sketches referred to are reproduced in *id.*, 87–89.

35. Later Hallowell was made Colonel of another colored Regiment, the Fifty-fifth, and his brother, Edward, who had first been Major in Colonel Shaw's Regiment, was promoted to Lieutenant Colonel of the Fifty-fourth.

36. A.L. in Holmes's Civil War Scrap-Book, #1 (HLS).

37. The majority was filled by Edward N. Hallowell of the Twentieth, brother of N. P. Hallowell.

38. Luis F. Emilio, *History of the Fifty-Fourth Regiment, Massachusetts Volunteer Infantry* (2nd ed., Boston, 1894), 3.

39. A.L. to John C. Ropes, April 25, 1863 (Boston Public Library).

40. TWF, 92, 93.

41. Sumner Paine was the son of Mrs. Holmes's sister. When Holmes was wounded he took command of his cousin's company. Paine was killed at Gettysburg. See Mrs. Fanny C. Paine, "Summer Paine," *Harvard Memorial Biographies*, II, 453.

42. A.L. to Holmes, May 15, 1863 (Civil War Scrap-Book, #1, HLS).

43. Conversation with the author, Jan. 30, 1934.

44. J. T. Morse, Jr., *Life and Letters of Oliver Wendell Holmes*, II, 24–25.

45. A.L. to Baroness Moncheur, May 7, 1907 (HLS).

46. A.L. to Clara Sherwood Stevens, April 28, 1907 (HLS).

47. HP, I, 58. Cf. HL, I, 21–22.

48. A.L. in Holmes's Civil War Scrap-Book, #1 (HLS).

49. Henry M. Rogers, "Henry Ropes," *Harvard Memorial Biographies*, II, 301, 311.

50. A.L. in Holmes's Civil War Scrap-Book, #1 (HLS).

51. Abbott, writing to his mother on May 17, 1863, said that "Holmes spoke to me openly about the question whether he should waive his claim to promotion for me, and I advised him not to do it by any means." (A.L. HUh.)

52. Writing to his father on Aug. 7, 1863, Abbott said: "I should a thousand times rather see [Holmes] in the place his rank entitles him to have than to have him offer it me, for of course I should only return it to him." (A.L. HUh.) See also A.L. Henry L. Abbott to Governor Andrew, Aug. 6, 1863, Executive Department Letters, XXIII, #106. (State House Archives.)

53. A.L. to Lieutenant Colonel Ritchie (undated, *id.*, #104: "I see that my name is on the roster of the 20th as Lt. Col. I only write to say (to prevent any misapprehension) that I have decided to take the promotion and have given up the idea I mentioned to you the other evening of waiving my seniority in favor of Abbott."

54. A.L., Henry L. Abbott to Holmes, Sept. 22, 1863 (HUh).

55. A.L. to Holmes, Oct. 8, 1863 (HUh).

56. In August Edward Hallowell asked Holmes if he would suggest someone in Boston who might fill a field officer's post in the Fifty-fourth. A.L. E. N. Hallowell to Holmes, Aug. 12, 1863 (Civil War Scrap-Book, #1, HLS).

57. A.L., Charles A. Whittier to Holmes, Aug. 10, 1863 (Civil War Scrap-Book, #1 (HLS).

58. *Id.*, see also, A.L., Whittier to Holmes, July 10, 1863 (Civil War Scrap-Book, #1, HLS).

59. A.L., Dr. Holmes to Charles Sumner, Jan. 4, 1864; Sumner Papers, LXVII, #4 (HUh).

60. Holmes's Civil War Scrap-Book, #2 (HUh).

61. A.L. of March 27, 1864 (HUh).

62. Thomas W. Hyde, *Following the Greek Cross, or Memories of the Sixth Army Corps* (Boston, 1894), 138–139.

63. See Randall and Current, *Lincoln the President: Last Full Measure* (N.Y., 1955), 144.

64. TWF, 106–108, 109–110.

65. "Memorial Day," *Speeches*, 1, 7–8.

66. Boston *Evening Transcript*, Oct. 17, 1864, p. 2, col. 2.

67. TWF, 117.

68. *Id.*, 133–134. The same incident was described in a letter written to his parents on May 30, 1864; *id.*, 136–137.

69. *Id.*, 141, 142.

70. John Henry Cramer, *Lincoln Under Fire* (Baton Rouge, 1918), 18.

71. *Lincoln and the Civil War: In the Diaries and Letters of John Hay* (Dennett, ed., N.Y., 1939), 208.

72. *Diaries of John Hay*, 208.

73. See Cramer, *Lincoln Under Fire*, 63–64.

74. This detail is found in the letter of an eyewitness, Daniel T. Bull; see Cramer, *id.*, 27.

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75. George Thomas Stevens, *Three Years in the Sixth Corps* (N.Y., 187
382, footnote.

76. Harold Laski's imaginative reporting of Holmes's description of
affair is found in *The Listener* for March 13, 1941, 359. Alexander Woollco
sentimental embroidery of Laski's imagination is in his essay "Get Down Y
Fool." in *Long, Long Ago* (N.Y., 1943), 3.

77. The fullest consideration of the evidence of the encounter of Holm
and Lincoln is in Cramer, *Lincoln Under Fire*. See also, Hicks, "Linco
Wright and Holmes," *Journal of Illinois Historical Society* (Sept. 194
328.

78. This was Felix Frankfurter's description of the incident as he hea
it from Holmes. It is quoted in Cramer, *Lincoln Under Fire*, 116, 117.

79. *North American Review*, XCVIII, 419 (April 1864).

80. TWF, 122, footnote 1.

81. *Id.*, 122.

82. *Id.*, 135.

83. *Id.*

84. *Id.*, 141, 142–143.

85. Letter from Holmes to Agnes Pomeroy, dated June 21, 1864, quote
TWF, 143, footnote 2.

86. *Id.*

87. *Id.*, 151.

88. A.L. to Felix Frankfurter, March 5, 1917 (HLS). Arthur D. Hall re
ported to the author that Holmes in conversation had expressed the same
doubt about his decision of 1864.

89. The original is in Holmes's Civil War Scrap-Book, #1 (HUh).

90. The verses appear in the First Triennial Report of the Class of '6
and are reprinted in Lerner, *Justice Holmes*, 8.

5. *Harvard Law School*

1. Max Lerner, *The Mind and Faith of Justice Holmes* (Boston, 1943),
6, 8.

2. *Macmillan's Magazine*, XIII, 195, 200 (Jan. 1866).

3. Felix Frankfurter's memorandum of conversation between himself,
Judge Hitz, and Holmes on Sept. 28, 1932 (copy, HLS).

4. A.L. to Mrs. John C. Gray, April 30, 1905 (HLS). See also his state-
ments in 1919 that he was "shoved into the law"; HL, I, 205.

5. Thomas Wentworth Higginson, "John Holmes," *Contemporaries* (Bos-
ton, 1900), 168. See also *Letters of John Holmes to James Russell Lowell and
Others* (Thayer, ed., Boston, 1917).

6. *Law Reporter*, XVIII, 607 (1856).

7. *American Jurist*, II, 77 (July 1829).

8. *Id.*, 78, 79.

9. *Report of the Commission to Revise the General Statutes of the Com-
monwealth* (Boston, 1834), Part III, 154.

10. The label was a favorite of Nathaniel Ames's, brother of the redoubt-

able Federalist ally of Jonathan Jackson. Fisher Ames. Charles Warren, *The Essex Junto* (Cambridge, 1931), 7.

11. The defense of the Federalists, signed by Jackson and twelve others, is in Henry Adams, *Documents Relating to New England Federalism* (Boston, 1877), 43-45.

12. Opinion of the Justices, 8 Mass. 548 (1812).

13. Theophilus Parsons, *Memoir of Theophilus Parsons* (Boston, 1859), 228.

14. Edward Stanley Roscoe, *Lord Stowell* (London, 1916), 51.

15. *Ryan v. Baldrick*, 3 McCord 498, 500 (1826).

16. Perhaps the clearest formulation of those principles by an American judge was that of Kent; see, e.g., James Kent, *Commentaries on American Law* (Holmes, ed., Boston, 1873), I, *3. The Massachusetts conception that it was the state's responsibility to enforce rules of morality through the churches rather than through the law was emphasized by Chief Justice Parsons; see Parsons, *Memoir*, 201-203.

17. John Chipman Gray, *The Nature and Sources of the Law* (2nd. ed., N.Y., 1931), 253.

18. Henry James, *Notes of a Son and Brother* (N.Y., 1914), 347.

19. *Id.*, 318.

20. "The Use of Law Schools," *Speeches* (1913), 28, 35.

21. George W. Smalley, *Anglo-American Memories* (London, 1911), 23.

22. His views on constitutional questions arising in the Civil War were expressed in a series of pamphlets; e.g., "The Right of Secession" (Cambridge, 1862); "The War Powers of Congress, and of the President" (Cambridge, 1863). See, *supra*, p. 135.

23. "Constitutional Law and Unconstitutional Divinity," Letters to Rev. Henry M. Dexter and to Rev. Leonard Bacon, D.D. (Cambridge, 1863), 6.

24. "Revolution and Reconstruction," a lecture delivered at the Law School of Harvard College, Jan. 1865.

25. See *The Centennial History of the Harvard Law School, 1817-1917* (Cambridge, 1918), 251.

26. James, *supra*, note 18, 317, 330.

27. *The Letters of John Fiske* (Fisk, ed., N.Y., 1940), 116.

28. *Centennial History*, *supra*, note 25, 284.

29. James, *supra*, note 18, 318.

30. "The Use of Law Schools," *supra*, note 20, 28, 35.

31. Reviewing the 2nd edition of Washburn's *Easements and Servitudes* (Boston, 1867), *Am. L. Rev.*, II, 159 (Oct. 1867).

32. HL, I, 363.

33. The original record, in the handwriting of Holmes, is in Moot Court Records (HLS).

34. HL, I, 112.

35. *Speeches*, 82.

36. Eleanor N. Little, "The Early Reading of Justice Oliver Wendell Holmes," *Harvard Library Bulletin*, VIII, 163 (Spring, 1954).

37. "Joel Parker," *Am. L. Rev.*, X, 235, 262 (June 1876).

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38. "Why the History of English Law Is Not Written," *Collected Papers*, I, 480, 487.

39. HL, I, 692–693.

40. "Introduction to the General Survey," CLP, 298, 301–302. Writing to George R. Nutter in 1930 Holmes observed that when he had been a law student the resources for "a rational and philosophic education in the law were out of reach or did not exist," ALS, Aug. 21, 1930 (HLS).

41. *Letters, supra*, note 27, 118–119.

42. HP, I, 31.

43. In 1875 Henry Adams told Maine that Holmes "has long been one of your warmest admirers here." Harold Dean Cater, *Henry Adams and His Friends* (Boston, 1947), 64.

44. *Ancient Law* (Dwight, ed., N.Y., 1864), ix–x.

45. ALS, Oct. 31, 1865 (copy, HLS).

46. ALS, April 21, 1865, (in Civil War Scrap Book, #2, HUh).

47. ALS, May 9, 1865 (copy, HLS).

48. *War Letters, 1862–1865, of John Chipman Gray and John Codman Ropes* (Boston, 1927), 450–451.

49. For a detailed account of the event see Hamilton Vaughan Bail, "Harvard's Commemoration Day, July 21, 1865," *New England Quarterly*, XV, 256 (June 1942).

50. "For the Commemoration Services," *The Complete Poetical Works of Oliver Wendell Holmes* (Boston, 1895), Cambridge edition, 208.

51. Ralph Barton Perry, *The Thought and Character of William James* (Boston, 1935), I, 228.

52. *Id.* On March 27, 1866, James told his friend Thomas W. Ward that "I made the acquaintance the other day of Miss Fanny Dixwell of Cambridge (the eldest), do you know her? She is decidedly A-1, and (so far) the best girl I have known." *The Letters of William James* (H. James, ed., Boston, 1920), I, 76.

53. ALS, OWH to William James, Dec. 15, 1867 (HUh). Other portions of the letter are published in Perry, *William James*, I, 505. On April 16, 1868, Holmes told James that "Fanny Dixwell's eyes have given her but little pain since I last wrote though she has to be careful in their use." (ALS, HUh.) The bulk of the letter is printed in Perry, *id.*, 509.

54. See James's letter of July 23, 1865; Perry, *William James*, I, 221–222.

55. Letter of March 27, 1866, to Thomas W. Ward; *Letters of William James* (James, ed., Boston, 1920), I, 73, 75–76.

56. *Harvard Library Bulletin*, VIII, 171.

57. James, *Notes of a Son and Brother*, 458.

58. The letters from Minny Temple to Gray, excerpts from which were published by James in *Notes of a Son and Brother*, reveal the deep affection between the two.

59. See Leon Edel, *Henry James: The Untried Years* (Philadelphia, 1953), 226 *et seq.* See also "The Letters of Henry James to Mr. Justice Holmes," *Yale Review*, XXXVIII, 410–413. The letters on p. 414 are misdated by the editor as 1865. They should have been dated 1868; see Edel, *id.*

6. Contours of Conviction

60. A.L., Oct. 31, 1865 (copy, HLS).

61. A.L., April 16, 1876, transmitting his "Primitive Notions in Modern Law" (HHh).

62. Entry on page for Sept. 27, 1866 (HLS).

63. Above this succinct entry is a more detailed summary of the nature of his legal studies during the winter in question. The summary was as follows:

"Cases argued or elucidated in Law Sch. besides others looked up in R. Morse's office—

1. Quantum Meruit (See Cutter v. Powell, 2 Sm. L.C.)
2. On Mass. Stat. of Divorce for fault of party
3. Fraudulent concealment of cause of action—Stat. of limitations—Subs. confession of tort.
4. Interpretation of wills. S.C. 9 Allen 109.
5. Rule of interest on overdue note.
6. Contr. in Restraint of Trade. See Mitchell v. Reynolds, Sm. L.C.
7. Discharge of surety. (Read cases & note in 2 Am. Lead. Cas.)
8. Notice of Diss[n] of Partnership.
9. What excuses and what is condition.
10. Right of support from neighboring land & nuisance (Moot Court) Read parts of Washburn & G. & W. on Easements & nearly all the cases.
11. Does participation in profits make partnership?"

✕ 64. Dr. Holmes to Motley; Morse, *Life and Letters of Oliver Wendell Holmes*, II, 173, 177.

65. In 1871, reviewing Bryce's *The Academical Study of the Civil Law* (N.Y., 1871), Holmes said that "The common law begins and ends with the solution of a particular case. To effect that result we believe the best training is found in our moot courts and the offices of older lawyers." *Am. L. Rev.*, V, 715, 716 (July 1871).

66. *Am. L. Rev.*, V, 177.

67. Joel Parker, *The Law School of Harvard College* (N.Y., 1871).

68. *Id.*, 5.

69. *Am. L. Rev.*, V, 177.

6. Contours of Conviction

1. George Henry Lewes, *Aristotle: A Chapter from the H[illegible]y of Science* (London, 1864), 29.

✕ 2. Letter of Holmes to Morris Cohen, Feb. 5, 1919; "The Holmes-Cohen Correspondence," Felix S. Cohen, ed., *Journal of the History of Ideas*, IX, 3, 14, quoted more fully, *supra*, pp. 17–18.

3. "The Path of the Law," 61 P. 167, 180. Cf. *id.* at 305.

4. *University Quarterly*, II, 215; quoted *supra*, p. 55.

5. See, *supra*, pp. 53, 156.

6. George Henry Lewes, *Biographical History of Philosophy* (Library ed., N.Y., 1859), xxxi.

7. Herbert Spencer, *First Principles* (London, 1862), 108.

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8. *Id.*, 76.
9. "Ideals and Doubts," CLP, 303, 304.
10. "Natural Law," *id.*, 310, 315.
11. *Id.*, 311-315.
12. John Stuart Mill, *The Positive Philosophy of Auguste Comte* (Boston, 1866), 61-65.
13. *Id.*, 67.
14. HP, II, 212.
15. Leslie Stephen, *The Life of Sir James Fitzjames Stephen* (London, 1895), 336.
16. HP, I, 105.
17. HL, II, 862.
18. *Religion and Science* (London, 1935), 250; quoted by Baumgardt, *Bentham and the Ethics of Today* (Princeton, 1952), 137.
19. John Stuart Mill, *Dissertations and Discussions*, III, 132, 136.
20. *The Common Law*, 110.
21. See Melville M. Bigelow, *A False Equation* (Boston, 1914), 77-79.
22. *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921).
23. Frederic W. Farrar, *An Essay on the Origin of Language* (London, 1860).
24. See James Fitzjames Stephen, *Essays by a Barrister* (1862), 23.
25. See Richmond Laurin Hawkins, *Positivism in the United States* (Cambridge, 1938), 29-30.
26. *History of the Intellectual Development of Europe* (N.Y., 1863).
27. Henry Thomas Buckle, *History of Civilization in England* (2nd ed., N.Y., 1858), I, 13.
28. See his review of Buckle, *North American Review*, XCIII, 519 (Oct. 1861).
29. John Stuart Mill, *A System of Logic* (9th ed., London, 1875), I, 400.
30. *Id.*, II, 422.
31. *Id.*, 426-427.
32. CLP, 305.
33. See Hawkins, *Positivism in the United States*, 171.
34. *Autobiography of John Stuart Mill* (Coss, ed., N.Y., 1924), 191-192.
35. Alexander Bain, *The Emotions and the Will* (London, 1859), 251 *et seq.*
36. Buckle, *History of Civilization*, I, 198.
37. *Id.*, II, 200.
38. *Id.*, 201.
39. *On Liberty* (McCallum, ed., Oxford, 1946), 11.
40. *Social Statics* (N.Y., 1872), 94.
41. See Hearnshaw, *The Social and Political Ideas of Some Representative Thinkers of the Victorian Age* (London, 1933), 53.
42. *The Sphere and Duties of Government* (Coulthard tr., London, 1854), 42.
43. Entry for Oct. 12, 1866 (HLS).
44. HL, I, 658.

7. *Europe*

45. *Id.*, 122.
46. "Ideals and Doubts," CLP, 303, 306.
47. *Principles of Political Economy* (5th ed., 1864, N.Y.), I, 438.
48. Thomas Barbour, *Naturalist at Large* (Boston, 1938), 150–151.

7. *Europe*

1. *Letters of Henry Adams (1858-1891)* (Ford, ed., Boston, 1930), 97.
2. *Correspondence of John Lothrop Motley* (Curtis, ed., N.Y., 1889), II, 255.
3. *Education of Henry Adams* (Modern Library ed.), 200.
4. A.L., May 26, 1866 (HLS).
5. HL., II, 1207–1208.
6. Maitland, *Life and Letters of Leslie Stephen* (London, 1906), 116.
7. "Christian Optimism" in *Essays by a Barrister* (London, 1862), 114, 120–121.
8. See Charles L. Graves, *Life and Letters of Alexander MacMillan* (London, 1910), 177.
9. See, *supra*, p. 24.
10. A.L., Oct. 30, 1921 (HLS).
11. A.L., Jan. 27, 1928 (HLS).
12. James T. Fields, *Barry Cornwall and Some of His Friends* (Boston, 1876), 118.
13. Charles Francis Adams, *Charles Francis Adams* (Boston, 1900), 368–370.
14. HL., II, 918. Holmes was not the only person to notice a similarity in the voices of Emerson and Gladstone; see *The Amberley Papers* (Russell, ed., London, 1937), II, 65, 67.
15. Adams, *supra*, note 13, at 369.
16. The entry for Nov. 4, 1866 recorded Holmes's impression of the book: "Wonderfully good military tale—a little too much bayonet but generally exceedingly truthful."
17. A.L., Hughes to Holmes, Dec. 31, 1866 (HLS).
18. *Id.*, Feb. 26, 1868 (HLS).
19. HP, I, 75.
20. A.L., May 26, 1866 (HLS).
21. HL., I, 410.
22. HP, I, 74.
23. Writing to a friend in 1930 Holmes described the occasion with a little more detail. "I was but a law student, to be sure, and saw the bigwigs of the bar ask who the ——— is that? and drop their monocles with a smile, but I sat there, interested and unintelligent." Letter to George R. Nutter, Aug. 30, 1930 (copy, HLS).
24. In *Brinsmead* v. *Harrison*, 7 C.P. 547, 554 (1872).
25. CLP, 160, 163. See HP, I, 65–66.
26. A.L. (HLS).
27. The original is among the Stephen letters at HLS.

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28. Dr. Holmes describes the spot in the *Autocrat*. *Works*, I, 280.

29. A.L., June 2, 1866 (HLS).

30. Holmes writing to Morris Cohen, Feb. 5, 1919: "The Holmes Cohen Correspondence," *Journal of the History of Ideas*, IX, 3, 15 (Jan. 1948).

31. *Modern Painters*, IV, 118 (*Works of John Ruskin*, Library Ed., London, 1904, Vol. VI).

32. *Id.*, at 208.

33. *Sesame and Lilies*, *Works*, XVIII, 89–90.

34. A.L. to Baroness Moncheur, Sept. 5, 1915 (HLS).

35. *Id.*, Jan. 9, 1915 (HLS).

36. HL, I, 541.

37. A.L., Thomas Hughes to Holmes, Dec. 31, 1866 (HLS).

38. Frederic W. Maitland, *The Life and Letters of Leslie Stephen* (London, 1906), 141.

39. Noel Gilroy Annan, *Leslie Stephen* (Cambridge, 1952), chap. v.

40. The essay, first published in *Fraser's Magazine*, was reprinted with additions in Stephen's *Essays on Freethinking and Plainspeaking* (London, 1873), 1.

41. A.L., Stephen to Holmes, July 1, 1870 (HLS). The letter is published in part in Maitland, *Leslie Stephen*, 217–218.

42. The story of his visit to the United States is told in his *On Sherman's Track* (London, 1867).

43. Holmes's close friend Thomas Barbour has said of Holmes that "he was extraordinarily sentimental. I have seen him break down and cry so that he would have to discontinue reading some of the poems about the war. . . ." *Naturalist at Large* (Boston, 1943), 153.

44. See, e.g., his letter to Pollock of Sept. 23, 1902: HP, I, 106.

8. *Apprenticeship*

1. Holmes's diary indicates that on Tuesday, Oct. 11, he had returned to Mr. Morse's office "till Chandler & Shattuck should have a place." A week later, on the 18th, he "began with Chandler, Shattuck & Thayer."

2. C. T. Russell in *Meeting of the Suffolk Bar Held at Boston, June 7, 1889, in Memory of Peleg Whitman Chapman* (Boston, 1889), 14.

3. *The Law Reporter*, I, iv (1839).

4. Perry, *Thought and Character of William James*, I, 520.

5. Originally published as a pamphlet it was reprinted in *Harv. L. Rev.*, VII, 129 (Oct. 1893) and in J. B. Thayer's *Legal Essays* (Boston, 1908), I.

6. See, e.g., his dissenting opinion in *Commonwealth* v. *Perry*, 155 Mass. 117, 123 (1891).

7. A.L., Holmes to Thayer, Nov. 2, 1893 (HLS).

8. *The Spirit of Liberty* (N.Y., 1952), 190.

9. Thayer, *Legal Essays*, at 39.

10. A.L., George Otis Shattuck to J. B. Thayer, Nov. 21, 1893 (HLS).

11. *Speeches*, 70.

12. HL, II, 930.

8. Apprenticeship

13. *Id.*, I, 372.
14. HP, I, 167.
15. Holmes in *Proc. Mass. Hist. Soc.*, 2nd Ser., XIV, 361, 368 (1900).
16. *Id.*, 367.
17. *Id.*
18. *Speeches*, 73.
19. *Id.*
20. The unpublished Peirce lectures were entitled "The Logic of Science and Induction"; see Wiener, *Evolution and the Founders of Pragmatism* (Cambridge, 1949), 75.
21. Holmes's tribute to Gray is in *Proc. Mass. Hist. Soc.*, 2nd Ser., XLVIII, 323 (1915).
22. *Notes of a Son and Brother*, chaps. 12 and 13. See Leon Edel, *Henry James: The Untried Years* (Philadelphia, 1953), 231–233, 316–319.
23. William James to Thomas Ward, Dec. 16, 1868; Perry, *William James*, I, 289, 290.
24. *Id.*
25. When Gray was in his last illness Holmes wrote to him as his "dear and oldest friend." (A.L., Feb. 21, 1915, HLS.) Correspondence between the two men was relatively infrequent, but a large collection of letters which Holmes wrote to Mrs. Gray from the early eighties until her death, in 1932, survives not only to reveal his friendship with her but to indicate the intimacy between Holmes and J. C. Gray. The letters are in the custody of the Harvard Law School.
26. HL, I, 693.
27. "I almost wish I could attain John Gray's and H. James's lofty position of no longer reading to improve my mind—but I am a miser as to time and clothes." Holmes to Laski, Oct. 28, 1918; HL, I, 167. Cf. his statement to Sir Frederick Pollock: "I hate to give up the chance to read this and that, that a gentleman should have read before he dies. I don't remember that I ever read Machiavelli's *Prince*—and I think of the Day of Judgement." HP, II, 14. Concerning Gray's light-hearted love of learning, see *Ropes-Gray: 1865–1940* (Privately Printed, Boston, 1942), 148.
28. A.L. to Mrs. John C. Gray, Aug. 7, 1895 (HLS). The book which Holmes was reading at the time was Pollock and Maitland, *History of English Law* (Cambridge, 1895).
29. A.L. to Lady Scott, Jan. 10, 1909 (HLS).
30. A.L. to Mrs. John C. Gray, July 28, 1915 (HLS).
31. *Proc. Mass. Hist. Soc.*, 3rd Ser., XLVIII, 323, 324.
32. A.L., Amelia Jackson Holmes to OWH, July 3, 1866 (HLS).
33. Perry, *William James*, I, 228. See *supra*, p. 109.
34. A.L., Amelia Jackson Holmes to OWH, July 16, 1866 (HLS).
35. The girl referred to was presumably Miss Clemence Haggerty of New York who in 1867 married James Mason Crafts, the future President of the Massachusetts Institute of Technology.
36. Entry of Oct. 18, 1866. An entry for Feb. 19, 1867, is similarly tantalizing: "Walked with Billy Perk. Saw ."

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37. Remarks before Chicago Bar Association, Oct. 21, 1902; *Chicago Legal News*, XXXV, 83 (Oct. 25, 1902).

38. Quoted by Arthur D. Hill in conversation with the author.

39. A.L. to Clara Sherwood Stevens, July 19, 1902 (HLS).

40. "The year 1867 saw James in Berlin struggling with the decision as to whether to make a physiologist or a philosopher of himself. He finally chose physiology – because he preferred philosophy." Srow Persons in "The Influence of Evolutionary Theory upon American Psychological Thought" in *Evolutionary Thought in America* (New Haven, 1950), 270–271. A similarly paradoxical explanation of Holmes's commitment to law might well be justified.

41. Perry, *William James*, I, 230.

42. Letter to William James, April 19, 1868; *id.*, 509.

43. *Id.*, 510.

44. *Id.*, 522.

45. Chauncey Wright to F. E. Abbot, Aug. 13, 1867; *Letters of Chauncey Wright* (J. B. Thayer, ed., Cambridge, 1878), 108.

46. In a number of letters Holmes gave Chauncey Wright credit for having taught him "that you couldn't affirm necessity of the Universe." HL, I, 565. See also *id.*, 634. Writing to Felix Frankfurter on July 29, 1927, Holmes described his impressions of Spinoza's *Ethics*: "His theological machinery and arguments, of course, leave me unmoved and even bored, but behind that is a conception of the Universe that I share, except that I dare not assume that our logic is binding on the Cosmos—even if it wears a beard, and [I remember] that Chauncey Wright taught me half of a century or more ago that I could not predicate necessity of it." (A.L., HLS.) See also Holmes's letter of Sept. 26, 1929 to Prof. Max Otto; *Journal of Philosophy*, XXXVIII, 389 (July 1941).

47. 98 Mass. 274 (1867).

48. The author of the anonymous article, "Notes on Precatory Trusts in Wills" in *Am. L. Rev.*, IV, 617 (July 1870), is identified as J. B. Thayer in John C. Gray's copy of the *Review* at the Harvard Law School.

49. A.L. to Ralph Waldo Emerson, April 6, 1876 (HUh).

50. The mission was twice performed—on Dec. 8 and Dec. 11. By this attachment the action of *Richardson* v. *New York Central RR.*, 98 Mass. 85 (1867), was begun. For Holmes's later concern with the case see *infra* pp. 275–276.

51. "The Profession of the Law," *Speeches*, 22, 23.

52. Diary entry of Nov. 24, 1866.

53. Preliminary matters were argued in the U. S. District Court by Shattuck for the respondents on Jan. 1, 1867. In 1871 the decision for the respondents was affirmed in the Circuit Court; *Richardson* v. *Winsor*, Fed. Cas. #11795 (1871).

54. On Oct. 19, 1866, Holmes wrote in his diary that "Shattuck gave me an important brief" on this subject and "told me to think it over and make suggestions—did so." The case was *Cutting* v. *Grand Trunk Railway Co.*, 13 Allen 381 (1866).

55. *Williston* v. *Michigan Southern & Northern Indiana Rd. Co.*, 13 Allen 400 (1866).

56. Diary entries of Nov. 2 and 7, 1866.

57. Nov. 13, 1866.

58. Oct. 27 and Nov. 30, 1866.

59. Dec. 12 and 13, 1866. The case was probably *Commonwealth* v. *Snell* and ended somewhat dramatically when the District Attorney requested the jury to return a verdict for the defendant. See Boston *Daily Advertiser*, Dec. 14, 1866.

60. Dec. 29, 1866. For Holmes's recollections of Bartlett, see *Speeches*, 41.

61. The MS is at the HLS.

62. Marcus Morton (1819–1891) was advanced to the Supreme Judicial Court in 1869 and was Chief Justice of that Court when Holmes became Associate Justice in 1882. He resigned in 1890.

63. Arthur G. Sedgwick (1844–1915) was a talented and thoughtful member of the Cambridge circle; see Perry, *William James*, I, 290. Like Holmes he studied law in the office of Chandler, Shattuck and Thayer. He practiced law in Boston until 1872 when he moved to New York to join, successively, the editorial staffs of the New York *Evening Post* and *The Nation*. He returned to the bar in 1877 and engaged in an active practice in New York City for the rest of his days.

64. *Am. L. Rev.*, I, 371 (Jan. 1867). In John C. Gray's copy of the *Review*, in which he identified anonymous contributors to the first four volumes, and which is now in the Harvard Law School Library, he appears to have added this word of protest to a review which John C. Ropes had written of Tyler's *American Ecclesiastical Law* (1866).

65. See *Am. L. Rev.*, V, 710 (July, 1871).

66. *Id.*, 541 (April 1871).

67. *Am. L. Rev.*, I, 375.

68. *Id.*

69. *Id.*, 376.

70. To the extent that Stephen made the principles of logic a foundation of the law of evidence he built upon the structure which Mill had designed in his *System of Logic*. See the Introduction to Stephen's *Digest of the Law of Evidence* (1st ed., 1876), and comment thereon in the appendix to the twelfth revised edition of 1948.

71. Stephen, *A General View of the Criminal Law of England* (London, 1863), 166.

72. *Id.*, 248, 237.

73. *Id.*, 240.

74. *Id.*, 241. Ralph Barton Perry has pointed out that Fitzjames Stephen was "a favorite author" of William James's: Perry, *William James*, I, 210. Concerning the relationship of Bain's analysis of belief to James's pragmatism, see *id.*, II, 407.

75. *Id.*, 264.

76. See Wiener, *Evolution and the Founders of Pragmatism* (Cambridge, 1949), *passim*. Fisch, "Justice Holmes and the Prediction Theory of Law, and Pragmatism," *Journal of Philosophy*, XXXIX, 85 (1942); "Alexander Bain and the Genealogy of Pragmatism," *Journal of the History of Ideas*, XV,

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113 (1951); Frank, "A Conflict with Oblivion: Some Observations on the Founders of Legal Positivism," *Rutgers Law Review*, IX, 425 (1954); Perry, *William James*, II, 107.

77. Professor Fisch in his article on Bain (*supra*, note 76) has conclusively demonstrated that Peirce considered Green, not Bain, the grandfather of pragmatism.

78. Bentham's theory of belief was not, perhaps, very different from that which Bain later formulated. Bentham had said that "in general the giving way to [the propensity to believe in evidence] is right, being found to be attended with consequences advantageous on the whole." *Rationale of Judicial Evidence* (London, 1827), I, 112. Though it is possible that Stephen developed his pragmatic definition of belief on Benthamite principles without Bain's assistance it seems more than probable that when Stephen published his *General View* in 1863 he had become familiar with the doctrines of Bain which had been published four years before. Bain had not considered, as Stephen later did, what was the proper test of truth in matters of belief, stating that the distinction between assurance well-founded and ill-founded "belongs more to the theory of evidence than to the theory of belief." *The Emotions and the Will* (2nd ed., London, 1865), 513. He did, however, assert the basic proposition accepted by Stephen that "belief has no meaning, except in reference to our action; the essence or import of it is such as to place it under the region of the will." *Id.*, 524.

79. *Am. L. Rev.*, I, 377 (Jan. 1867). It is interesting that while Holmes was reading Taylor's volume for purposes of review he noted his supplementary excursions in Bennett and Heard's case-book where he found *Commonwealth* v. *Rogers*, 7 Metcalf 500, and an elaborate note on other decisions relating to insanity. Bennett and Heard, *Leading Criminal Cases* (Boston, 1856), I, 87.

80. See, e.g., "The Path of the Law," CLP, 167, 187: "For the rational study of the law the black-letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics."

81. *Id.*, 188–189: "[T]he inquiries which have been started look toward an answer . . . based on science for the first time."

82. *Am. L. Rev.*, I, 377.

83. *American Banana Company* v. *United Fruit Company*, 213 U.S. 347, 366 (1909). Holmes had suggested his predictive theory of law as early as 1872; see his book notice, *Am. L. Rev.*, VI, 723, 724.

84. *Am. L. Rev.* I, 554, 555 (April 1867).

85. *Id.*, 554.

86. *Riemers* v. *Druce*, 23 Beavan 145 (1856).

87. *Am. L. Rev.*, I, 554.

88. The arrangements for the new edition of Kent were evidently concluded in the later months of 1869. On Dec. 5 of that year William James wrote to his brother, Henry, reporting that "O.W.H. Jr. whom I have not seen for three weeks has accepted the $2000 (but two years of hard work) job of annotating Kent's Commentaries."

89. A.L., Arthur G. Sedgwick to Henry James, Jr., Jan. 30, 1870 (HUh).

90. Perry, *William James*, I, 297.

91. See, *supra*, p. 202.

92. A.L., Mrs. Henry James, senior, to Henry James, Jr., Aug. 8, 1869 (HUh). William James wrote of the same visit a few days later. "Wendell Holmes and John Gray . . . seemed in very jolly spirits at being turned out to pasture from their Boston pen. I should think Wendell worked too hard. Gray is going to Lenox for a fortnight, but W. is to take no vacation." A.L., William James to Henry P. Boxditch, Aug. 12, 1869 (HUh).

93. See, *supra*, pp. 259–260.

94. A.L., Judge E. R. Hoar to Dr. Holmes, Nov. 14, 1867 (HUh).

95. *Richardson* v. *New York Central Railroad*, 98 Mass. 85 (1867).

96. See *Higgins* v. *Central New England Railroad*, 153 Mass. 176 (1892) and *Muthall* v. *Fallon*, 176 Mass. 261 (1900). In the latter case Holmes seems to have taken some pleasure in citing a decision of the Supreme Court of the United States which had rejected the reasoning of Judge Hoar in the Richardson case, *Dennick* v. *Central Railroad*, 103 U.S. 11 (1880). Holmes said of the Dennick case that "the arguments which prevailed in this case did not prevail" in *Richardson* v. *New York Central*, 176 Mass. at 268.

97. *Hanlon* v. *Leyland & Co.*, 223 Mass. 438 (1916).

98. Matter of McKen, Ward: Middlesex Probate Court (Insolvency), Case #1039. Holmes's diary entries indicate that the debtors later went through bankruptcy in the Federal court.

99. In John C. Gray's copy of volumes 2, 3, and 4 of the *American Law Review* which covered the two calendar years of 1868 and 1869, the following book reviews are identified as of Holmes's authorship:

Bates, A Treatise on Bills of Exchange, *Am. L. Rev.*, II, 328 (Jan. 1868)
Vol. 16, Michigan Reports, *id.*, III, 141 (Oct. 1868)
Vol. 21, Wisconsin Reports, *id.*, 147.
Vol. 3, Nevada Reports, *id.*, 148.
Vol. 3, Ellis & Ellis, Queen's Bench Reports, *id.*, 150.
Vol. 13, Iowa Reports, *id.*, 357 (Jan. 1869)
Benjamin, Treatise on Sales, *id.*, 541 (April 1869).
Vol. 41, Illinois Reports, *id.*, 556.
Vol. 17, Michigan Reports, *id.*, 737 (July 1869).

His single longest contribution to the *Review* during that period was a Report on the Impeachment of President Johnson: *id.*, II, 537 (April 1868), 747 (July 1868). He also prepared the Selected Digests of State Reports in all issues between April 1868 and Oct. 1869, the Digests of the English Law Reports which appeared in the Oct. issues in 1868 and 1869, and the Digest of the Decisions of the Supreme Court of the United States in the issue for Jan. 1869 (*id.*, III, 284).

100. *Am. L. Rev.*, III, 541–542 (April 1869).

101. "Codes and the Arrangement of the Law," *id.*, V, 1 (Oct. 1870); "The Arrangement of the Law: Privity," *id.*, VII, 46 (Oct. 1872); "The Theory of Torts," *id.*, 652 (July 1873). These essays are reprinted in *Harv. L. Rev.*, XLIV, 725, 738, 778 (March 1931).

102. *Am. L. Rev.*, III, 357 (Jan. 1869).

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103. *Am. L. Rev.*, II, 547 (April 1868). Holmes also recounted these steps in the proceedings: *id.*, 717 (July 1868).

104. The defense turned upon the fact that Stanton, whom Johnson had removed without observing the Tenure Act, had not been recommissioned as Secretary of War at the beginning of Lincoln's second term. See *Am. L. Rev.*, II, 563.

105. *Id.*, 565.

106. A.L., Mrs. Holmes to OWH, June 11, 1866 (HLS).

107. HL, I, 389.

108. Letter to Learned Hand, March 18, 1922 (copy, HLS).

109. A written memorandum of this anecdote was prepared by Mr. Upham in Jan. 1936, after he had told the story at a meeting of the Tavern Club in Boston. The original is at HLS.

110. HP, II, 72.

111. Letter of William James to Henry James, Oct. 2, 1869; Perry, *William James*, I, 307.

112. Letter to Henry James, July 5, 1876; *id.*, 371.

113. This observation concludes Thayer's contemporaneous memorandum concerning the circumstances of Holmes's appointment to and resignation from the Weld Professorship at the Harvard Law School and is found in his Memorandum Book "D" now in private hands. A copy is at HLS.

114. A.L. to Clara Sherwood Stevens, Nov. 18, 1906 (HLS).

115. A.L. to Dean Wigmore, Dec. 4, 1910 (HLS).

116. HP, I, 106.

117. A.L. to Clara Sherwood Stevens, Sept. 8, 1902.

118. A.L., Mrs. John C. Gray to Holmes, July 28, 1899 (HLS).

119. A.L. to Baroness Moncheur, Nov. 5, 1910 (HLS).

120. A.L. to Clara Sherwood Stevens, Feb. 11, 1914.

121. Unpublished address, A.D. Club, Sept. 27, 1912 (HLS).

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PLAINTIFFS' ANSWERS TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

MICHAEL MEEROPOL and ROBERT MEEROPOL,

Plaintiffs,

-against-

LOUIS NIZER and DOUBLEDAY & COMPANY INC.,

Defendants.

----------x

73 Civ. No. 2720 (HRT)

ANSWERS TO INTERROGATORIES

Plaintiffs' Answers to Interrogatories of defend- and Nizer

Plaintiffs, MICHAEL MEEROPOL and ROBERT MEEROPOL, by MARSHALL PERLIN, their attorney, answer the interrogatories as follows:

1.

Author*	Date	Defendants' Book
E.R.	February 26, 1952	393
J.R.	June 13, 1961	394
J.R.	February 28, 1952	394
J.R.	June 29, 1952	395
E.R.	November 29, 1951	395
E.R.	September 9, 1950	398
J.R.	April 24, 1951	398
E.R.	April 17, 1951	398

E.R.	July 25, 1951	399
J.R.	July 25, 1951	399
E.R.	July 29, 1951	399-400
E.R.	August 9, 1951	401
J.R.	May 31, 1951	401
J.R.	June 29, 1952	403
J.R.	September 7, 1952	404
E.R.	November 1, 1951	411
J.R.	September 16, 1951	411-412
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J.R.	March 19, 1953	422
E.R.	February 9, 1953	437
J.R.	January 3, 1953	438
E.R.	January 9, 1953	439

2.

a. See answer to Interrogatory 1.

b. Yes.

(1) The date or dates of the assignment are unknown to the plaintiffs, except that it was during the period Ethel and Julius Rosenberg were in Federal custody. The assignee was Emanuel H. Bloch. Upon information and belief, said assignments were oral. The substance of the oral assignment:

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* E.R. - Ethel Rosenberg
J.R. - Julius Rosenberg

Ethel and Julius Rosenberg gave such letters to their attorney, Emanuel H. Bloch, to hold and secure the same in behalf of themselves and their children. Thereafter, the Rosenbergs authorized and directed that Mr. Bloch transfer this correspondence to a corporation to be organized by him, which corporation was to be empowered and authorized to publish and copyright the aforesaid correspondence and hold the same in trust in behalf of the plaintiffs herein.

c. Yes.

(1) A letter dated May 12, 1953 from Emanuel H. Bloch to Ann Marie Comert. Mr. Bloch is deceased. Ms. Comert is believed to live in Paris, France. Diligent inquiries have been and are being made to obtain her present address. When obtained, it will be given to defendants. A copy of the letter is in the custody of MARSHALL PERLIN, attorney for plaintiffs.

A letter dated June 18, 1953 from Julius and Ethel Rosenberg to Emanuel H Bloch. A copy is in the custody of attorney for plaintiffs. Upon information and belief, other documents of like nature may be found.

d. Yes.

(1) Jero Publishing Company, Inc., the statutory copyright owner, had as its sole stockholder Emanuel H. Bloch as trustee for the benefit of the plaintiffs. A trust

agreement was executed on August 19, 1953 establishing the Rosenberg Children's Trust Fund. MARSHALL PERLIN is the custodian of said trust agreement. Thereupon, the Rosenberg Children's Trust Fund became the sole stockholders. Jero Publishing Company, Inc. was dissolved on January 25, 1957. A writing reflecting the above and assigning all right, title and interest of the copyright to the plaintiffs herein was executed in June 1973 and thereafter duly recorded in the Copyright Office. MARSHALL PERLIN is the custodian of said assignment.

e. Plaintiffs have been told that certain of the letters were published in whole or in part prior to the publication of THE DEATH HOUSE LETTERS.

(1) Letter dated April 17, 1951 found in the NATIONAL GUARDIAN dated October 10, 1951; November 28, 1952 NATIONAL GUARDIAN dated December 18, 1952; January 3, 1953 NATIONAL GUARDIAN dated January 15, 1953; January 9, 1953 NATIONAL GUARDIAN dated January 22, 1953, THE WORKER dated January 25, 1953; January 21, 1953 THE WORKER dated February 15, 1953 (for pagination of publications see appropriate exhibits to the affidavit of George Berger dated June 26, 1973).

(2) Not to plaintiffs' knowledge.

f. Not to plaintiffs' knowledge.

7.

Upon information and belief, there were licensing agreements between Jero Publishing Company, Inc. and other publishers.

a. Dennis Dobson, Ltd., 12 Park Place, St. James Street, London, England, July 1953; Cameron & Kahn, Inc., 109 Greenwich Avenue, New York, New York, 1954; Librarie Gallimard, 5 Rue Sebastien-Bottin, Paris, France, 1953; Hakibutz Hameuchad Publishing House Ltd., 21 Rothshild Boulevard, Tel Aviv, Israel, 1953; Editori Riuniti, Roma, Via Tommaso, Salvini, Rome, Italy, 1953 or 1954; Szikra Publishing Co. Ltd., Vrosmarty-TR 4, Budapest, Hungary, 1953 or 1954; Kobunsha Publishers, 3 Otowa-Cho, Bunkyo Ku, Tokyo, Japan; 1953 or 1954; Editura De State Pentru Literatura, Bd. Ana Ipatescu, Bucharest, Rumania, 1953 or 1954; Czechoslovak Theatrical and Literary Agency, Vysehradska, Prague, Czechoslovakia, 1953 or 1954.

Upon information and belief, there were additional licensing agreements with publishing companies in Poland, West Germany, East Germany, Holland, Finland, Belgium, Mexico and others. The only agreement plaintiffs have is the one between Jero Publishing Company, Inc. and Dennis Dobson, Ltd. which gave to Dobson the license

to produce and publish the work in the British Empire including Canada.

b. Attorney for plaintiffs.

8.

Upon information and belief, no.

9.

Upon information and belief, no.

10. and 11.

As to what the interrogator means by the use of the word "libel", or its meaning in law, plaintiffs are without knowledge. The plaintiffs' claims are set forth in paragraphs 19 through 28 of the complaint. Reference is made in the complaint to inaccurate, false, fictitious and malicious writings as well as intentional inaccuracies and misrepresentations contained in the defendants' book.

a. The book in its entirety as well as its component and inter-related parts. Certain particular porti-

of the book, such as the following:*

page 2 - attached
page 4 - attached
page 5 - attached
page 6 - attached
page 9 - attached
page 22 - attached
page 23 - attached
page 24 - attached
page 79
page 80
page 81 - attached
page 86 - attached
page 94 - attached
page 98 and page 99
page 104
page 105 - attached
page 106 - attached
page 107 attached
page 126 - attached
page 127 - attached
page 150 - attached
page 157 - attached
page 158 - attached
page 159 - attached
page 161 - attached
page 164 - attached
page 165 - attached
page 196 - attached
page 222 - attached
page 242 - attached
page 280 - attached
page 297 - attached
page 365 - attached
page 366
page 367 - attached
page 369
page 370
page 371

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* Where reference is to selected portions of a page of the book, the page is attached hereto and marked. Where it relates to the entire contents of the page, the page reference only is given. Where the page is marked and attached, the page reference is followed by the word "attached".

page 393 - attached
page 394 - attached
page 395
page 396
page 398 - attached
page 399
page 400
page 401
page 402
page 403 - attached
page 404 - attached
page 411 - attached
page 412 - attached
page 413 - attached
page 414
page 415
page 418
page 419 - attached
page 422 - attached
page 423
page 433 - attached
page 434
page 435
page 436
page 437
page 438 - attached
page 439 - attached
page 440 - attached
page 462 - attached
page 483 - attached
page 487 - attached
page 488 - attached
page 492
page 493
page 494
page 495

b. Both. The comments are inextricably interwoven with the false, fictitious and distorted statements.

c. See a. and b. above. The facts are other than as set

forth in defendants' book. Plaintiffs are not required to write a history of plaintiffs' parents and themselves and the legal proceedings in an answer to an interrogatory.

The interrogatory is objected to. In any event, any further answer would have to await completion of the oral deposition of the defendants herein.

d. and e. Yes. Plaintiffs by reason of the defendants' conduct have been held up to ridicule, embarassment and humiliation and have caused injury to themselves and immediate family including their children and injured their capacity to function as citizens in their present and future employment and professional performance and in relationship with others now and in the future. The allocation and amount of damages except as set forth in the complaint cannot be determined at this stage of the litigation.

f. Yes.

(1) Intentional and reckless disregard of truth; failure to obtain true facts available to defendant Nizer; the very quality and nature of the inaccurate, false, fictitious writings complained of; having information to defendant's knowledge and within his control and available

to him which put defendant on notice of the inaccuracy, falsity and fictitious nature of the writing; and holding himself out as having unique expertise and scholarly acquired information on the subject matter of the book.

g. Yes.

(1) Intentional and reckless disregard of the truth; the knowing publication of a book containing the false, fictitious, distorted and inaccurate writings; having information to defendant's knowledge and within its control and available to it which put defendant on notice; the failure to check the accuracy and source of writings contained in the book; its prior acquisition of information and knowledge by reason of its publication of INVITATION TO AN INQUEST by Walter and Miriam Schneir.

12. and 13.

Yes.

a. The book in its entirety and including, specifically the following pages: 23, 242, 279, 280, 365, 366 367, 369, 370 371, 393, 394, 395, 396, 398, 399, 400, 401, 402, 403, 411, 414, 415, 422, 423, 433, 434 435 436, 437, 438, 439,

440, 483, 492 (see answer to interrogatories 10 and 11 a.)
b. Plaintiffs have no present knowledge or recollection.
c. and d. See answer to 10 and 11 d. and e.

e. See answer to interrogatories 10 and 11 f. Defendant made no attempt to obtain prior consent, approval or information from plaintiffs, nor did defendant seek to check or verify with plaintiffs the accuracy of the writings.

f. See answer to interrogatories 10 and 11 g. Defendant made no attempt to obtain prior consent, approval or information from plaintiffs, nor did defendant seek to check or verify with plaintiffs the accuracy of the writings.

14. and 15.

The interrogatories are objected to. They essentially ask a legal opinion of the plaintiffs and thus the plaintiffs cannot respond to the same.

16. and 21.

Yes.

17. and 22.

Ethel Rosenberg and Julius Rosenberg; from July 1950 through June 19, 1953; correspondence; the contents thereof are privileged until any of the same are published by the plaintiffs.

18. and 23.

Attorney for plaintiffs.

19. and 24.

See 2 a. through c.

20. and 25.

Yes.

a. The defendants' book damages the integrity, credibility, and reputation of the authors as well as the authors' motives in writing the unpublished works; falsely imports that the contents of the unpublished works were controlled and dictated by persons other than the authors. This damaged and damages the plaintiffs capacity to publish, sell and distribute in whole or in part said unpublished works. The plaintiffs seek recovery for such damages in the amount set forth in the complaint.

Dated: New York, New York
October 22, 1973.

Michael Meeropol
MICHAEL MEEROPOL

Robert X Meeropol
ROBERT MEEROPOL

PLAINTIFFS' FURTHER ANSWERS TO INTERROGATORIES AND AMENDED INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL MEEROPOL and ROBERT MEEROPOL, Plaintiffs, -against- LOUIS NIZER and DOUBLEDAY & COMPANY, INC., Defendants.	:	73 Civ. 2720 HRT FURTHER ANSWERS TO INTERROGATORIES AND AMENDED INTERROGATORIES

Plaintiffs MICHAEL MEEROPOL and ROBERT MEEROPOL further answer the Interrogatories and the amended Interrogatories as follows:

2.b.(1) Supplementing the prior answer, the plaintiffs are presently without any knowledge of anyone else being present other than Julius Rosenberg, Ethel Rosenberg, and Emanuel H. Bloch, all of whom are dead.

10. Yes.

10. a. Those portions of the book as set forth on the pages itemized in the answer to Interrogatories "10 and 11" on pages 7 and 8 of the answer to Interrogatories dated October 22, 1973. Plaintiffs supplement the answer

to 10. a. by adding thereto pages 198, lines 25-41 and 199, lines 6-10. Plaintiff refers to each of the aforesaid identified pages as set forth and as read in the context of the book, THE IMPLOSION CONSPIRACY.

10. b. Plaintiff MICHAEL MEEROPOL incorporates the answer set forth in his answer to Interrogatory 10 b. in the answers dated October 22, 1973.

10. c.

page 2. The precise facts are not known at the present time. They may be ascertainable after discovery and deposition of the defendant Nizer.

page 4. See above.

pages 5-6. Plaintiff believes the statements made are untrue and the impression given unfair. Plaintiff believes the protests had their inception amongst people of varying faith and beliefs, who were shocked both by the verdict and the penalty. The manner of raising of moneys to save plaintiff's parents, to the best of plaintiff's belief, was not as described in the marked portions of pages 5 and 6. Plaintiff believes that some additional facts not now ascertainable may be ascertained after the discovery and deposition of defendant Nizer.

page 9. The record of the judicial proceedings can be found in the files and records of the case and the official reports of the United States District Court for the Southern District of New York, United States Court of Appeals for the Second Circuit, and in the United States Supreme Court. Plaintiffs believe that defendant Nizer did not start with a clean slate and had a prior conviction of their guilt. Additional facts may be ascertained upon the deposition of the defendant Nizer.

page 22. Plaintiff claims the first marked portion of the page is fictitious, as is the second marked portion regarding plaintiff's parents' avidity and the quotation attributed to plaintiff's father. The plaintiff does not have present knowledge and does not know whether the facts will be further ascertained until after the completion of the discovery and deposition of the defendant Nizer.

page 23. Plaintiff's parents were loving and devoted parents, whose children benefited thereby. The children were not as described nor were the alleged difficulties a result of plaintiff's parents' role as concerned and involved citizens. Plaintiff has no personal knowledge of the details of his parents' political activities or at-

titudes except that they impressed plaintiff as humanitarians as family members and members of the community. (See letters in DEATH HOUSE LETTERS.) Plaintiff believes defendant Nizer's writings to be essentially fictitious.

pages 23 and 24. Plaintiff claims plaintiff's father and plaintiff's paternal grandfather had a continuing close, sympathetic relationship, along with mutual esteem. The fales and fictitious nature of defendant Nizer's writing and additional facts may be further ascertained in the discovery of the defendant Nizer.

pages 79, 80 and 81. See the trial transcript.

page 86. See trial transcript and see also reproduction of the entire trial proceedings issued by the Committee to Secure Justice in the Rosenberg case.

page 94. Plaintiff has no present personal knowledge of the manner of detection of Klaus Fuchs or, in fact, whether it had any consequences in detecting anyone else in the United States. Plaintiff cannot at this time state whether additional facts are ascertainable before the discovery of the defendant Nizer.

pages 98-99. See transcript of trial;

pages 104-105. See transcript of trial;

pages 106-107. See transcript of trial;

pages 126-127. See transcript of trial;

page 150. See transcript of trial;

pages 157-158. See transcript of trial;

page 159. See transcript of trial;

page 161. See transcript of trial;

page 164. Abe Brothman was convicted of the crime of obstruction of justice.

page 165. See transcript of trial.

pages 196, 198, 199. Since plaintiff believes that the marked portions of these pages are fictitious, plaintiff is in no position presently to ascertain what conversations, if any, took place or considerations of the parties but plaintiff may be in a position to ascertain what, if anything, occurred from other sources, including discovery of defendant Nizer.

page 222. The jury was not sequestered during the trial and the newspapers were available to the jury. (See transcript of trial.)

page 242. Plaintiff's mother's attendance at the New School for Social Research is not an indirect revelation of plaintiff's emotional traits. Plaintiff was afforded a wholesome life by his parents and they did not fail him or his brother.

page 280. See transcript of trial.

page 297. David Greenglass did not attend the trial except while he was a witness. (See transcript of trial.)

pages 365-366-367. The events as described are fictitious. While plaintiff has no present personal knowledge of what had transpired in the identified conference, plaintiff may be able to ascertain in the course of pre-trial discovery of defendant Nizer and from other sources what actually transpired. Plaintiffs' parents' conscious or unconscious thoughts can best be derived from the published writings of plaintiffs' parents and plaintiff's personal recollection of his parents' attitudes, feelings, expressions and conduct, including that expressed towards the plaintiff and his brother.

pages 369-371. The alleged conversation set forth in the three pages is believed by the plaintiff to be fictitious. The defendant Nizer does not identify the time of the alleged conversation. Plaintiff is presently unable to ascertain the contents of the conversation between plaintiff's mother and Mr. Block on the numerous occasions they met. If there are any records of such discussions, plaintiff is presently unaware of them. Plaintiff does not know at this time what other facts will be ascertainable until after the discovery of defendant Nizer.

pages 393-394. See letters dated February 26, 1952, February 28, 1952 and June 13, 1951. Plaintiff's father had been transferred to Sing Sing long prior to the affirmance of conviction by the Court of Appeals. Plaintiff is presently without personal knowledge of the contents of a discussion between his father and Mr. Bloch at an unspecified time. See published letters of parents regarding their appraisal of means of obtaining justice. Whether any other facts are ascertainable cannot be determined until after the discovery of defendant Nizer.

pages 395-396. The contents of these pages regarding plaintiff's parents' conduct is false and fictitious. Plaintiff cannot at this time describe his parents' conduct when they met, except that it was consonant with their mutual love, affection and esteem. Plaintiff cannot at this point ascertain the facts regarding the misdescription of plaintiff's parents' meetings or the basis of defendant Nizer's false statement until after the discovery of defendant Nizer.

page 398. See letters of September 9, 1950, April 24, 1951, and April 17, 1951.

page 399. See plaintiff's parents' letters of July 25th and July 29, 1951. Plaintiff's parents at all times were

anxious to see and be with plaintiff and his brother. The limitations imposed were either a result of the terms of their custody or their primary regard for the well being of their children. They commenced seeing their children in 1951.

page 400. Plaintiffs were never placed in a shelter by their parents' attorney. Plaintiff and his brother were anxious and happy to visit their parents. The plaintiffs' parents were never handcuffed. Plaintiffs' parents, in spite of the oppressive circumstances, rendered their best efforts and did so quite effectively to create an atmosphere of an ongoing family relationship when visiting with plaintiffs or writing to plaintiffs. All of the above permitted plaintiff and his brother to accept the said feelings of their parents and reciprocate in kind. The characterization and use of half-truths in misdescribing visits on this page and other pages of the book distorts the tone and nature of the visits. The conversational comments are, with rare exception, contrived or fictitious. A false picture is given of plaintiff and his brother. Plaintiff may be able to furnish additional facts upon the completion of the deposition of defendant Nizer.

page 401. See answer regarding page 400.

page 402. See answer regarding page 400. The song set forth in the book was not sung, although the Army Artillery Song

was sung from time to time.

pages 403-404. See letters of June 29, 1952, September 7, 1952, and reports of the United States Supreme Court proceedings for October, 1952 term.

pages 411-412. See letters of November 1, 1951 and September 16, 1951.

page 413. See letters of August 24, 1951, November 28, 1952 and October 28, 1950. Plaintiffs' mother never had a cell mate at Sing Sing.

pages 413-414. See letters of September 15, 1952, January 3, 1953 and January 21, 1953. Attributions of expectations and attitudes to plaintiffs' mother were other than as described. Plaintiff believes that his mother fully appreciated the purpose of her mother's visit. See plaintiff's statement regarding page 400. Additional facts may be ascertained upon deposition of defendant Nizer and others.

page 415. See plaintiff's answer regarding page 400. Plaintiff's parents never suffered the "elation of martyrdom".

pages 418 and 419. Plaintiffs' parents attitudes are reflected in their letters published in DEATH HOUSE LETTERS. Plaintiff cannot at this time ascertain all of the facts regarding the organization and coming together of committees and other entities in support of his parents. Defendant's attempt to

characterize his parents' supporters and sympathizers as well as those who helped plaintiff and his brother as Communist or Communist dupes, or under the control of Communists, is believed by plaintiff to be untrue. Plaintiff does not know and may not be able to ascertain the attitude of Alexander Bloch toward plaintiff's parents' writings. Plaintiff may have additional facts upon the completion of the deposition of defendant Nizer.

pages 422-423. See affidavit submitted by plaintiff and his brother in support of order to show cause dated June 18, 1973, paragraphs 25 to 27, inclusive. Plaintiffs' parents were fighting for their lives, freedom and vindication and return to their home and family, and at all times seeking to protect their children.

page 433. Plaintiffs' parents were not handcuffed.

pages 434-435-436. See plaintiff's answer regarding page 400.

page 437. See letter of Ethel Rosenberg dated February 9, 1953. Plaintiff may have further facts after the completion of the deposition of defendant Nizer.

page 438. The letters that plaintiffs' parents wrote were written in good faith, motivated by a desire to express their feelings to the recipient thereof and to set forth their

beliefs regarding their innocence and the unjust prosecution and conviction, as well as the adverse consequences of the prosecution's actions upon the entire country. Plaintiffs' parents did not confess because they had not committed any crime to confess to. See also letters published in DEATH HOUSE LETTERS.

pages 439-440. See above. Plaintiff's parents were never at the point of collapse or disintegration.

page 462. See files and records of the case and the official case reports.

page 483. The description of plaintiffs' behavior is untrue. On the day of plaintiff's parents' executions, plaintiff returned to the place that he was staying at after being with children in the neighborhood at about 8:00 P. M. and was told of the executions. Plaintiff sat quietly with his hands folded looking down. Plaintiff did not cry.

page 492. See statements of plaintiff as set forth in complaint and affidavit in support of interlocutory injunctive relief and letters of May 10, 1973 to defendants from plaintiff's counsel.

pages 493-495. See files and records of the case and official case reports.

10.d. Plaintiff, Michael Meeropol, incorporates herein the answers set forth in the answers marked (d) and (e) on page 9

of the answers to the interrogatories dated October 22, 1973. Plaintiff further answers that he has been specially damaged as a result of the acts complained of which has resulted in his having to expend time, effort and money in attempting to offset the harm and damages imposed by reason of the acts complained of. By reason thereof, it has delayed his training and educational program and he has had to retain an attorney to aid him in his efforts. The amount of the money damages attributable to the special damages suffered and to be suffered are not yet determinable. Plaintiff incorporates by reference paragraphs (f) and (g) of his answers to interrogatory 10 dated October 22, 1973 as his answer in behalf of himself.

12. Plaintiff, Michael Meeropol, in behalf of himself, incorporates herein the answers to "12 and 13" of the answer to interrogatories dated October 22, 1973 and incorporates by reference in response to interrogatory 12.d. and d.(1) his supplementary answer to interrogatory 10.d. and 10.d.(1).

14. Plaintiff, Michael Meeropol, incorporates herein in behalf of himself, the answer to interrogatories 14 and 15 of the answer to the interrogatories dated October 22, 1973.

16. and 20. Plaintiff, Michael Meeropol, in behalf of himself, incorporates the answers as set forth in the answers to interrogatories "16 and 21" and "20 and 25" as set forth in

the answer to interrogatories dated October 22, 1973.

11. Robert Meeropol, answering in behalf of himself, incorporates the answer of Michael Meeropol in response to interrogatory 10 and its subdivisions as set forth in the answer to interrogatory 10 herein as his answer to interrogatory 11.

13. Plaintiff, Robert Meeropol, answering for himself, incorporates the answer of Michael Meeropol in response to interrogatory 12 and its subdivisions as set forth in the answer to interrogatory 12 herein as his answer to interrogatory 13.

15. Plaintiff, Robert Meeropol, answering in behalf of himself, incorporates the answer of Michael Meeropol in response to interrogatory 14 as set forth in the answer to interrogatory 14 as his answer to interrogatory 15.

21. Plaintiff, Robert Meeropol, answering for himself, incorporates the answer of Michael Meeropol in response to interrogatory 16 as set forth in the answer to interrogatory 16 as his answer to interrogatory 21.

1 Copies Received

Date FEBRUARY 1, 1977

Firm Phillips, Nizer, Benjamin, et al

By Bernard Rothman

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Date FEBRUARY 1, 1977

Firm Satterlee & Stephens

By